PROPOSED AMENDMENTS TO THE SEPERATE SCHOOLS ACT

BY

HON. OLIVER MOWAT

1890

PROVINCIAL POLITICS.

1890.

A SPEECH

DELIVERED BY

HON. OLIVER MOWAT

ATTORNEY-GENERAL,

IN THE

LEGISLATIVE ASSEMBLY.

MARCH 25th, 1890,

No. 4.

SUBJECT:

Proposed Amendments to the Act relating to Separate Schools.

Copies of this Speech can be had by addressing W. T. R. Preston, Secretary Provincial Reform Association, Toronto.

Toronto:
PRINTED BY HUNTER, ROSE & CO.
1890.

HON. MR. MOWAT'S SPEECH

IN THE

LEGISLATIVE ASSEMBLY,

MARCH 25th. 1890,

ON THE PROPOSED AMENDMENTS TO THE

SEPARATE SCHOOL ACT.

The following is a report of the Attorney-General's speech in the Legislative Assembly, March 25th, 1890, on the amendments proposed to the Separate School Act:

The Attorney-General began by alluding to the extreme delicacy of the question that was under consideration. It related to matters on which Roman Catholics and Protestants both felt greatly interested, and on which their sympathies did not run together. The members of this House belonged very largely to one of these two denominations. In this House of ninety members there were but eight Roman Catholics—all the other members were Protestants. It was the more necessary, on this account, that when matters of interest on which Protestants and Roman Catholics were divided in their sympathies came to be considered, they should be considered with the greatest possible care, in order that the members of the House might not mislead themselves as to the proper course to take.

Almost every speech that had been made on the other side of the House was an appeal to the Protestant sentiment of the country, and to the anti-Roman Catholic sentiment of the country. The hon. member for London had in his speech disclaimed some things as to which he was not followed by other members of his side of the House. As regards these, he is a leader who does not lead. Thus, he had disclaimed any intention of

supporting a demand for the abolition of Separate Schools, but in this he was not followed by all his friends on his own side of the House, nor by his followers in the country. He had also disclaimed the view urged by others that it was the duty of the Government to do nothing that would increase the efficiency of Separate Schools. On former occasions the hon. member had been very distinct in expressing his opinion that Separate Schools were entitled to have whatever legislation would increase their efficiency. He had said something similar now. But not so with some of his followers. On the contrary, the Government had been found fault with, though not in this debate, because it had favoured legislation calculated to increase the efficiency of these schools; it had been contended that nothing should be done in that direction.

But while on these two points the hon. member differed from his supporters, he had by no means refrained from making the same sort of appeal here and elsewhere as his friends in the House and outside made. For this purpose the hon. member had read extracts from various Roman Catholic journals, claiming deference and obedience from the laity to the bishops and priests in matters relating to Separate Schools. That was a matter on which the sentiments expressed by these journals, or by the Roman Catholic clergy, were not the sentiments of Protestants on the Government side of the House, any more than of Protestants on the Opposition side. As for Roman Catholics, it was for themselves to decide what amount of obedience they owed to their clergy, and what amount of obedience they would render to them in this matter; how far the dogmas of their church required such obedience, and how far they would conform their conduct to these dogmas. As for the law, no statutory enactment gave to bishops or priests any authority whatever in the matter. The obligation, where recognised, was not of a legal kind. In the eyes of the law of the Province,

NO BISHOP OR PRIEST HAD ANY

more power as regards Separate Schools than, man for man, the lay supporters of these schools had. But the fact has always been known to the general public, that educational matters are pronounced by the authorities of the Church of Rome to be matters of religion, as much so, so he understood, as the sacraments are. This doctrine is not new on their part, and the announcement of it is not new. It was known to be a dogma of the Roman Catholic Church when the several Acts relating to Separate Schools

were from time to time passed in the old Province of Canada before 1863, and it was known when the Separate School Act of 1863 was passed. For none of these Acts was he (the Attorney-General) in any way responsible.

Mr. MEREDITH.—Did they then demand this obedience, and say it was a religious duty?

The ATTORNEY-GENERAL.—Yes, so far as their own people were concerned. In one of my Oxford speeches I showed this to be so. We do not sympathise with them in regard to this dogma, but the fact of its being a dogma of the church is undeniable. He had said that it was well known as such

WHEN THE SEPARATE SCHOOL

Acts were passed by the old Province of Canada. It was well known in 1864 when the Quebec Resolutions, which are the foundation of the B. N. A. Act, were passed at Quebec by delegates of the several Provinces, and with the approval of all parties. The dogma was well known when the B. N. A. Act was passed. To pretend that the present Government of Ontario is in any way responsible for the dogma, or for its announcement or operation, is absurd.

Again, continued the Attorney-General, it had been stated by one hon. gentleman opposite that there were more Roman Catholics supporting the Government than the aggregate majority which the Government had all over the country at the election of 1886. The hon. gentleman who made this statement put that aggregate majority at 5,000; the Attorney-General did not know on what ground. The hon. member had then said that the number of Roman Catholics who had voted for the Government was considerably more than 5,000. The hon. gentleman should remember that the Roman Catholic voters are spread over the country. In many constituencies the Government had a majority without any Roman Catholic vote, and that majority was simply swelled by that vote. In other places the Conservatives were so strong that the Roman Catholic votes cast for the Liberal party did not affect the result. Then another fact was to be borne in mind. In case of any serious and substantial

QUESTION BETWEEN ROMAN CATHOLICS

and Protestants, Protestants would unite in support of what they deemed the right. If there had been no such union in this House, it was because no such question had arisen. The Ontario Legislature had passed various amendments to the Separate School

law, but all these had, at the time of their passing, and for long afterwards, had the concurrence of Protestants as well as Catholics. Not one of them but had the approbation of hon. gentlemen opposite; not one was opposed by them; and the approbation of the country was as general as that of the House. He did not remember a single objection made outside of the House, any more than inside, until the agitation with a view to the general election of 1886 commenced. There had been no such objection in the newspapers; none by either Protestant clergy or Protestant laity anywhere; none even by the Orange Associations of the Province. The Government had used extreme care in confining all enactments within such limits that the enactments would be generally approved by the Protestants of the Province, and they were so approved until the political agitation was entered upon four years ago. One consequence of the predominance of Protestants in the Province and in the Legislature is, that measures likely to be distasteful to Protestants as such, are not proposed from any quarter. The hon. member had endeavored to make out that because the Government had (as he said) an aggregate majority of only 5,000 on the entire vote at the general election, and because they had had more than 5,000 Roman Catholic supporters, therefore the Government has been kept in power by Roman Catholic votes. But in the same way it might have been urged that because the Government had had more than 5,000 supporters of the denomination to which that hon. gentleman belonged, the Methodist, therefore the Government was kept in power by the Methodist vote. The same might be said in regard to the Presbyterians, because the Government had more than 5,000 votes of Presbyterians. So in regard to the votes of members of the Church of England, and of Baptists and Congregationalists. Again, he believed that more than 5,000 votes had been cast for the Government by German settlers and their descendants; and so it might be urged that the Germans had kept the Government in power. But the truth is, insisted the Attorney-General, we have had the support of all denominations, and all nationalities, and all classes of people in the Province, and it is by the aggregate vote of all that the Government has been kept in power. (Applause.)

As to the abolition of Separate Schools, this idea has found favor with some hon. gentlemen opposite, though they have been somewhat cautious in their references to it. The leader of the opposition, though not favoring it now, was not very clear on the question, for he rather intimated that he might some day go for the abolition of Separate Schools should a certain state of things arise which he referred to; but his followers speak differently and

are prepared already to go for the abolition. Now what does the abolition of Separate Schools mean? Not an absolute abolition of Separate Schools. If anybody imagines that in case the laws now on the statute book were repealed to-morrow Separate Schools would thereby be abolished, they would deceive themselves. These schools would still continue, and nobody would suggest their being then interfered with. The change of the law would merely be the withdrawal of the right of Roman Catholics to pay their school tax to their Separate Schools. They would be assessed for the Public Schools to which they did not send their children, as well as pay for the support of the Separate Schools to which they did send them. In this way Roman Catholics would practically be doubly taxed.

Now, how does the case stand under the B. N. A. Act, with reference to the abolition of Separate Schools in this sense, or in any sense in which their abolition is contemplated? It is a well understood fact, which nobody disputes, that the Provincial Legislature has no power to abolish them. If a Provincial Legislature should pass an Act for their abolition, it would be disallowed at Ottawa as being

BEYOND PROVINCIAL JURISDICTION.

It would be invalid even if not so disallowed. The Dominion Parliament itself has no power under the Constitution to abolish Separate Schools. These are facts. There is no room for argument to the contrary. The consequence is, that the abolition of Separate Schools can only be accomplished by the Imperial Parliament; and it is perfectly certain that the Imperial Parliament will not abolish them on any representation now made. This may be certain to any man acquainted with politics and with the history of these schools in Ontario, that there is not the slightest chance of inducing the Imperial Parliament in our time to repeal those provisions in the B. N. A. Act which guaranteed these schools.

Consider what would take place if the Legislature or people of Ontario should ask the Imperial Parliament to repeal those provisions. The great Province of Quebec would oppose the repeal, and the Roman Catholic population of all the other provinces would oppose it. The Roman Catholic population of Canada at the last census amounted to nearly two millions and the Protestant population to something over two millions and a half. The Roman Catholic population of Great Britain and Ireland would also oppose the repeal. British statesmen would know or learn how it

came about that these schools were guaranteed by the Constitution. And what are the facts which they would know or learn? That the Separate Schools had been guaranteed at the instance of both Ontario and Quebec, and at the instance of both the Protestant and Roman Catholic populations of the whole country; that the new Constitution had been framed with the concurrence of both Ontario and Quebec; that Catholic Quebec at the time, though with a smaller population than Ontario and with less wealth, and without having other advantages which Ontario possessed, had notwithstanding an equal representation in the Legislative Assembly of the Province, each section having 65 Members; that the practical working of the Constitution was such that under it the Separate Schools of Ontario were

PRACTICALLY SAFE FROM ABOLITION

or interference; that it had been found impossible to get rid of them; that it had been practically proved to be so by the failure of an active agitation for that purpose, conducted with great energy, ability and perseverance. So, all the institutions of Lower Canada which were cherished by Roman Catholics were perfectly safe from Protestant interference. But there were difficulties in working the Constitution of 1840, and so the Confederation of 1867 had come about.

In what spirit was the new Constitution framed? It was a compromise all round, and an essential part of that compromise—so essential that without it Confederation could never have taken place—was the provision by which the Separate Schools of Ontario and the Protestant dissentient schools of Quebec were guaranteed by Imperial enactment. It was by common consent that the provision about Separate Schools had been placed amongst those provisions of the B. N. A. Act of 1867, which neither the Dominion Parliament nor a Provincial Legislature was to have power to change. There were other things in the Act which the Provinces were to be at liberty to change, and there were things which the Dominion Parliament might change; so the Act declared; but the matter of Roman Catholic Separate Schools in Ontario and Protestant Schools in Quebec was one of those which there was to be no power on this side of the Atlantic to change to the injury of these schools. But for this being guaranteed, we would have had no Dominion Parliament with its present limited powers, and no Provincial Legislatures with their powers. In consenting to Confederation on this basis, and foregoing the other advantages which the former system gave to the Roman Catho-

lics of Lower Canada, and to the Roman Catholics of Upper Canada, the Lower Canada majority and the Upper Canada minority, no doubt, relied on the

HONOUR OF THE IMPERIAL PARLIAMENT

to maintain the guarantee on the faith of which the new Constitution became a possibility and was agreed to. In view of all these facts, British statesmen would deem it a point of honour to refuse the repeal; not ten men in the British Parliament would support a repeal; it would not be considered worthy of discussion. Lord Salisbury, the present Premier, has had trouble enough now with Ireland—

MR. MEREDITH.—You are not going to threaten us with a Home Rule vote?

THE ATTORNEY GENERAL.—No, nor with anything else. But you know that every word I am saying is true. The Honorable gentleman, Mr. Mowat continued, is a good lawyer, and has respect for his professional reputation, which some others have not, and will not dispute what I have stated. It is perfectly certain that Lord Salisbury would not consent to add to his present troubles by passing a repealing Act in the face of the opposition which would be given to it; not to speak of the other facts I have mentioned. So with Mr. Gladstone and his followers, who are allies of the Home Rule party in order to assist in getting for Ireland the great reforms needed there. There is thus not the smallest chance of such a measure being passed by the Imperial Parliament. "The Separate Schools are a fact in our Constitution," said the Attorney General, "and we have to accept it whether we now like it or not. I would be deceiving the people, I would be deceiving my Protestant friends, if I should express a different view. Knowing what I do, it is my duty to bring to public attention, and press home upon all, the real state of the case." In view of these facts, it is plain that the only practical purpose which a cry for the abolition of Separate Schools can serve, the only effect the cry can have is that it may be useful as a political cry for hon. gentlemen opposite; for any other practical purpose it is of no use at all.

Continuing, the Attorney-General said that he had personally been to a certain extent, and up to a certain time, a party to Confederation. He was a party to the Quebec resolutions that had preceded Confederation, but was not in Parliament for some years subsequently, being on the Bench and out of political life.

MR. MEREDITH.—You had withdrawn for a season. (Ironical Opposition Cheers.)

THE ATTORNEY GENERAL.—Yes, I had withdrawn for a season, and I hope that I was of some service on the Bench (Applause). I think I have been of some service since I left the Bench (Loud Applause), for I have perhaps contributed to keep my hon. friend where he is. (Cheers.)

Further, continued the Attorney-General, to refer again to the case he had been putting, it was not as if the compromise of which he had spoken had been effected by a bare majority of the people, or by a small majority. The case was stronger than that, as the Imperial Parliament would learn or would know. The arrangement had been accepted by men of all parties and creeds in both Upper and Lower Canada; it was a compromise effected by the whole people to an extent that very seldom happened in the case of a great public measure; and people at the present day have only to understand the position in order to perceive beyond doubt that the only possible use of the cry to abolish Separate Schools is, that it may make temporary political and party capital. He knew that there were some very good men amongst those who were engaged in stirring up the public mind for the abolition of Separate Schools.

MR. MEREDITH.—For political purposes?

The ATTORNEY-GENERAL said he had been going on to say in regard to these, not for political purposes, but from conviction. If the hon. member for London engaged in such a crusade, it would be for political purposes, as the honorable member knew that the abolition was impracticable. But many had engaged in stirring up this feeling who had no political purpose of that kind, and on the contrary were actuated by religious zeal, were upright men, anxious in this as in all things to do their whole duty. They were acting under the idea that the abolition of Separate Schools might be accomplished by means of the agitation. But united with them were others who had been closer students of our political history, and who knew that no such result could come of the agitation. With these it was simply being used as a political cry. And was there anything more disgraceful than that such a matter should be used as political capital? (Applause.)

Several other things had been said by hon. gentlemen opposite with the same purpose of arousing, for party purposes, a hostile feeling among those Protestants who did not perceive the practical bearings of this question. It was said

THAT THE LAW DISCRIMINATED

in favor of Roman Catholics, and that they have privileges in regard to their Separate Schools which the Protestants have not

But it is to be remembered that in most parts of the Province the Public Schools are in the hands of Protestants, and it is only in very exceptional circumstances that the Protestants of the Province want Separate Schools. There are (I think) but eight of such schools in all Ontario. The public sentiment in the Protestant churches is, that it is better that Public Schools should be supported, and not denominational schools. (Applause.) Protestants hold that it is better for our whole people, no matter what denomination they belong to, that the children should all learn together in our Public Schools as well as in our High Schools. But the law does provide for the establishment of Separate Schools for Protestants if they want them, as well as for Roman Catholics when they want them. He would read to the House some of the Statutory enactments, in order that there should be no doubt about this. The second section of the Separate School Act read as follows:—

"Upon the application in writing of five or more heads of families resident in any township, city, town or incorporated village, being Protestants, the Municipal Council of the said township, or the Board of School Trustees of any such city, town or incorporated village, shall authorise the establishment therein of one or more Separate Schools for Protestants."

Then the Attorney-General read the sixth section as follows:—

"In any city or town the persons who make application, according to the provisions of section 2 of this Act, may have a Separate School in each ward or in two or more wards united, as the said persons may judge expedient."

So, continued the Attorney-General, that was what the law provided for Protestants in this matter.

MR. MEREDITH asked if the Attorney-General understood that this applied to the rural districts.

The ATTORNEY-GENERAL replied that he understood so. If before or since Confederation more convenient machinery had been provided for Roman Catholic Separate Schools than for Protestant Separate Schools, it was because Protestants had not asked for changes in the original provisions as to Protestant Separate Schools. No class of Protestants, no church, no individual, so far as I am aware, had ever asked for any such changes. Speaking generally, Protestants do not want to make use of their power to establish Separate Schools, and he was glad they did not. (Applause.) He thought it

WOULD BE A CALAMITY TO THE

country if they did. It was for the common advantage that they should not use these provisions of the law, and that all should

unite in a common system of Public Schools. He would be glad if the Roman Catholic population did the same, but they could not be forced to do so.

There had been a good deal of criticism, the Attorney-General continued, upon the enactments in regard to Separate Schools since Confederation. Some of the criticism has been abandoned. Amongst many other things which used to be said and are said no longer, one was that there was no power of appeal to the Court of Revision from an assessment as a Separate School supporter. The hon. member for London in a former session had said it was a doubtful matter.

MR. MEREDITH.—I said that others thought it doubtful, but my own opinion was that it was not so.

THE ATTORNEY-GENERAL.—At all events others said that there was no appeal to the Court of Revision. He (Mr. Mowat) had always insisted that there was an appeal, and that there was no reasonable doubt of it. He had said so before the decision of the Judges here. Since that decision no one doubts, if any doubted before, that there is an appeal to the Court of Revision.

THE GOVERNMENT HAD HOPED

that in some way or other that question would be brought before the High Court at an earlier date by those who affirmed that no such appeal lay, but it was not brought before the High Court until the Minister of Education himself recently brought it there. The question has now been judicially set at rest.

Another thing upon which a great deal has been said was the condition of the law respecting the notices which have to be given in order to exempt Roman Catholics from the Public School tax. It used to be said that we had repealed the law which made these notices necessary, but I presume no one now doubts that a Roman Catholic should not under the existing law be assessed as a Separate School supporter, unless he has given written notice of his wish to be so. It appears that a practice had grown up of assuming all Roman Catholics to be Separate School supporters where the contrary did not appear. This practice is said to have prevailed, in some localities at least, before our legislation. It was considered in the various localities in which notices were omitted, whether after our legislation or before, that the matter was for the Roman Catholics themselves to deal with, and Protestants took no interest in it until political agitation gave prominence to the matter. In the legislation that the Government had introduced this session their object was to make the requirements of the original statute clear.

In 1877, the provision was made for an appeal to the Court of Revision in such matters, in order to protect the taxpayer; and every taxpayer had the right of appeal in respect of every assessment, whether of his own or of another. Such appeals are provided because the approved policy of the law is that the assessment roll when finally revised should be conclusive for all purposes, and not open to future question; yet it may occasionally happen that, for example, I may be taxed for not one-half of what I ought to pay taxes for, or I may claim some exemption to which I am not entitled. In either case, if no one appeals, I get the benefit of the insufficient assessment, or of the unauthorised exemption. So it is with every case of assessment. A man may be charged too much, or he may be charged nothing when he ought to be charged a great deal, or he may be charged something when he ought to be charged nothing. Yet the propriety of making the assessment roll when finally revised to be binding on everyone has always been manifested.

He (the Attorney-General) had heard objection made to their legislation in regard to Separate Schools on the ground that it had increased the efficiency of those schools, and this is another of the objections not recently heard. In answer to it he might say that it had never been the policy of Protestants or of any Government to object to Roman Catholic education being efficient. On the contrary, the view that had been taken, and he thought the right view, was that if they must have Separate Schools they should be as efficient as possible (Cheers). The Bill of the hon. member for North Grey proceeded on this view, and he should be sorry to think that any Protestants would favor a different course.

In the present debate some things have been objected to which are not dealt with by any of the Opposition Bills before the House. For instance, something has been said in debate about the inspection of Separate Schools, and the payment of the Inspectors by the Province.

Now what are the facts?

In Dr. Ryerson's time he directed the Inspectors of the High Schools to do duty as Inspectors of Separate Schools, and they were paid by the Province. Experience has demonstrated and everyone admits that the inspection of schools is essential to their efficiency. No one can question that. If the schools are to be efficient they must have thorough inspection and by capable men. The inspection of Separate Schools, as he had already said, was in the first instance performed by Provincial officers, the High School Inspectors. The reason another system of inspection was

substituted was, that the duties of High School Inspectors had become so large that they could not perform the additional duty of inspecting the Separate Schools. All their time was needed for High School purposes.

MR. MEREDITH.—Why were not the Public School Inspectors asked to perform the work?

THE ATTORNEY-GENERAL.—I was coming to that next. The hon. member is in a tremendous hurry. (Laughter). Dr. Ryerson whose great experience in all matters relating to education constituted him one of the highest authorities on everything connected therewith, thought that to appoint Public School Inspectors for the work was not the best way of dealing with the difficulty, and therefore he had assigned it to the High School Inspectors; and when they became unable to do it,

THE GOVERNMENT APPOINTED

two other Provincial Inspectors for this duty. The men selected were loyal men, of energy, and of experience, well qualified in every way for the work, and interested in doing it in the best possible way. Everyone must feel that competent men of their own religion would have far greater influence in the Roman Catholic Schools than Protestant Inspectors would have, and if equally competent would be able in a larger degree to increase the efficiency of the schools. The same observations applied of course to Protestant Schools, or schools where the children were all or chiefly Protestants. He did not know any such case in which a Roman Catholic had been appointed Inspector of the Schools. The parents and guardians of Protestant children have felt that a Protestant Inspector would be more useful than a Roman Catholic. The Government wanted the Separate Schools to be as efficient as possible, and thought that the object would be accomplished more effectually by appointing Roman Catholic Inspectors for these schools than by appointing Protestants. (Hear, hear).

One hon. member complained, and perhaps more than one complained, that the salaries of Separate School Inspectors were paid out of the public treasury. But it must be remembered that throughout the whole Province, from east to west, there were only two Inspectors for Separate Schools; if they were not men of exceptional energy and ability they could not do the work. Now if a calculation is made as to how much Roman Catholics contribute to the salaries of Public School Inspectors, they would probably find that the amount contributed by the

Treasury for the salaries of Separate School Inspectors was not more than Roman Catholics pay for Public School Inspectors from whose services Roman Catholics do not get any benefit. Thus, practically, the Separate School Inspectors are paid for by Roman Catholics out of their own money. Considering the efficiency of the Separate Schools, he maintained that the most desirable thing to do was to appoint these Inspectors. (Cheers.)

There was another point that hon. members complained about, but did not propose to remedy; and that is that in the Act of 1879 provision was made for

CREATING SEPARATE SCHOOLS INTO

Model Schools. The section relating to this provided: "The Education Department may authorize a Separate School in any county to be constituted a Model School for the training of teachers for Separate Schools, subject to the regulations of the Department, and where in any county such Model School has been established, or from the special circumstances of the Separate Schools therein the Minister of Education should deem it expedient, he may recommend for appointment by the Lieutenant-Governor in Council some one competent person, possessing qualifications prescribed by the Education Department, to be a member of the County Board of Examiners of such county in addition to the number now authorized, and who shall possess and discharge the like powers and duties as the other members of the Board." Now how many Separate Schools have been constituted Model Schools under this enactment? Not one.

MR. MEREDITH.—That was a small matter.

The ATTORNEY-GENERAL.—My hon. friend says this is a small matter; but all the objections which he and others have raised upon the statutes are small matters. He (the Attorney-General) wished to point out that there was no practical grievance as regards these Model Schools.

The Attorney-General then dealt with the powers of legislation in respect to Separate Schools. There were difficulties he said in applying the provisions of the B N.A. Act. He thought it was perfectly clear, although they had power to make regulations, and although they might amend in some respects the statutes relating to Separate Schools, that they had no power to interfere in any way with, at all events, the religious instructions given in these schools.

MR. MEREDITH.—Where does the hon. gentleman find a word about religious instruction in the whole of the Act?

The ATTORNEY-GENERAL said the hon. gentleman knew perfectly well that the B. N. A. Act expressly provided for "denominational schools," and spoke of the schools of the "Queen's Roman Catholic subjects," and that by the express terms of the B. N. A. Act the Legislature had no power to interfere with the existing rights of any class of persons with reference to the said schools. He had no doubt whatever

THAT THE PRIVY COUNCIL

would hold that the House had no jurisdiction—no power—to interfere with Separate Schools as regards religious instruction. On some other points there was more or less difficulty. The member for North Grey had a Bill in which he sought to compel all the teachers of Roman Catholic schools to hold the same class of certificates as teachers of the Public Schools. At the Union of 1867 these schools, by express enactment, were entitled to employ teachers qualified as teachers by the then law of either Upper or Lower Canada, and teachers so qualified by the law of Catholic Lower Canada were entitled to be employed by any Separate Schools in Upper Canada which chose to employ them. I presume the object was to include certain religious orders. This is claimed to be one of the rights or privileges conferred on Separate Schools by the Constitution; and these teachers in case of being selected by the Roman Catholic supporters of a Separate School, claim a right to be teachers of such a school, and to be employed in that capacity.

It being now 6 o'clock the Speaker left the Chair.

After recess Mr. Mowat resumed. He said in the bill brought down by the Minister of Education there was no provision for the ballot, because the Government believed that the Separate School supporters did not yet want the ballot. There were the same reasons for the ballot in Separate School elections as in Public School elections. It was commonly suggested that the ballot was also necessary for the protection of the Roman Catholics against their clergy. Having possessed himself of all the information available on the subject, he was satisfied there was no such antagonism between the clergy of the

CHURCH OF ROME AND

the people of that Church, as the argument of the Opposition assumed—that as regards the clergy and the mass of the people of the Church of Rome, there was the utmost confidence, respect and

affection on the part of the laity towards the clergy. He should be deceiving himself if he took any other view, and so would the Protestant public if they took any other view. To impose the ballot on Separate School supporters from a Protestant standpoint, and before they wanted it, could not be proper on the part of a Protestant legislature in a free country. For Protestants to agitate for it before Roman Catholics are ready delays rather than hastens their disposition to adopt the ballot. Non-politicians might be of a different impression; politicians, he did not believe, could have any other view than this. A good deal was said about the corporate Roman Catholic vote, and it is affirmed that such is the influence of the Roman Catholic clergy that the so-called corporate vote in parliamentary elections is subject to their guidance. If so, it is subject to their influence notwithstanding the ballot, for we have the ballot in the elections to this House and to the House of Commons; and what our opponents now-a-days say as to the corporate vote, demonstrates that they do not believe what they profess to believe as to the power of the clergy needing the check of the ballot in regard to Separate Schools.

His own idea was, that the ballot would not make a particle of difference to the Roman Catholic clergy in school matters; and it was for the Roman Catholic laity themselves to say when the time had come for the adoption of the ballot system as regards their schools. It was to be remembered that it

TOOK EIGHTY YEARS AFTER

the people of this country had a representative Assembly before they were prepared to adopt the ballot for parliamentary elections. The ballot in municipal elections did not come for a couple of years longer. Then they gave the option of the ballot in Public School elections, and not one-third of the Public School Boards had availed themselves of the use of it.

MR. MEREDITH.—It does not apply to rural sections.

MR. MOWAT said it did not matter. A very large proportion of the schools which had the power of adopting the ballot did not avail themselves of it—that was the point. That fact showed that Protestant school supporters were not prepared for the general adoption of the ballot even for Public Schools. Time must be given for all these things. In some cases the ballot had been adopted for a Public School election, and its adoption had afterwards been regretted. His own opinion was that the ballot would ultimately be adopted by all schools, Public and Separate, but the time must be left, to some extent, to the option of those concerned.

MR. MEREDITH.—What municipality regrets having adopted the ballot?

MR. MOWAT.—I have heard of one in Huron for example.

MR. GIBSON (Huron).—(Addressing Mr. Meredith) I will enlighten you as to that.

MR. MOWAT.—The only suggestion of evidence that Separate School supporters were ripe for the ballot came from an hon. member opposite, who referred to the number of Roman Catholic children attending Public Schools, and in some way or other, the Attorney-General did not know exactly how, the honorable member had argued from that circumstance that the Roman Catholics were in favor of the ballot. Well, if there were children of Roman Catholics attending the Public Schools in places where there were Separate Schools, certainly those Roman Catholics were not in need of the protection of the ballot. If, in spite of the alleged influence of their clergy they sent their children to Public Schools, they are not people

FOR WHOM THE BALLOT AT

Separate School elections is needed. For years there has been no petition for the ballot for Separate Schools; no resolution has been passed anywhere in support of the ballot for Separate Schools; there were newspapers supported by the Roman Catholic laity, and none of these had hitherto asked for the ballot so far as I have seen. We have entirely failed to find any evidence that the Roman Catholic laity or any considerable number of them are yet prepared for the ballot in their school elections. So far as there is any evidence either way, it went strongly to prove the contrary.

Now, as to the two bills of the hon. member for London. In one of them—that concerning the ballot—he proposes to change the law on this subject with reference to Public Schools as well as with respect to Separate Schools. The hon. member felt it would be utterly out of the question to force the ballot on Separate Schools and leave it optional as to Public Schools. So a large number of Public Schools which had not adopted the ballot would have it imposed upon them by this Bill if it should become law. He objected to that. It should be left to their own option, as it is now. Well, that was the principle of the Bill, and the proposed compulsion was contrary to all sound principles of legislation—at least to Liberal ideas of legislation. Then there was his other Bill—the hon. member's Bill respecting Separate School supporters, which consists of two sections. The first

section of that Bill assumed that as the law now stood a person might be entitled to be assessed as a Separate School supporter without having given the notice which the law required. The Attorney-General objected to the assumption contained in the expression "notwithstanding any provision to the contrary," etc. There is no provision to the contrary. As to the second section, it was so absurd

THAT HE COULD HARDLY BELIEVE

that it was from the hand of the leader of the Opposition. It proposed to make it the duty of the clerk to make the necessary entries upon the roll on this subject of Separate Schools after the roll had been finally revised. He provided no appeal and no machinery for correcting errors as under the present Act. The Bill said that any error of the clerk should not be conclusive, but it provided no means of correcting an error.

MR. MEREDITH.—Supposing the clerk makes a mistake now?

HON. Mr. MOWAT.—In our Bill we have a provision which meets such a case. We cannot prevent mistakes altogether, but we reduce the chances of mistakes to a minimum. We have a provision by which the Council may correct mistakes which had not been taken to the Court of Revision.

It is plain from what had appeared during the past few days that it is the intention and fixed plan of the managers of the Opposition throughout the Province to endeavor to make political capital for themselves out of the religious sympathies of the Protestant population, and out of the religious antagonism aroused between Roman Catholics and Protestants. He hoped they would fail in these unholy tactics. "For myself," said the Attorney-General in conclusion, "and for the Protestant members of the Government, I will say that we are attached with all our hearts to the Protestant churches to which we respectively belong; but we recognise it as our duty to be fair to the Roman Catholic minority according to our light. We have examined the school question as Protestants, as we fully recognised it to be our duty to do, and we are satisfied in regard to all the Bills of the Opposition—that they would be of no service to the Province; that they are bad Bills—(applause); and aa a Protestant myself of nearly 70 years', I have no hesitation in advising the House to reject these bills, and to pass the Bill of the Minister of Education.

The Attorney-General resumed his seat amid the hearty applause of the House.

PROVINCIAL POLITICS.

1890.

A SPEECH

DELIVERED BY

HON. C. F. FRASER,

COMMISSIONER OF PUBLIC WORKS,

IN THE

LEGISLATIVE ASSEMBLY.

MARCH 25th, 1890,

ON

SEPARATE SCHOOLS

And the position of the Roman Catholic Electors with the two political parties.

Copies of this Speech can be had by addressing W. T. R. Preston, Secretary Provincial Reform Association, Toronto.

Toronto:
PRINTED BY HUNTER, ROSE & CO.
1890.

HON. C. F. FRASER'S SPEECH ON THE SEPARATE SCHOOL QUESTION.

THE CONSERVATIVE PARTY AND THE ROMAN CATHOLIC VOTE.

The following is a report of the speech delivered on Tuesday evening, March 25th, 1890, in the Legislative Assembly, by Hon. C. F. Fraser, Commissioner of Public Works, during the discussion on the amendments to the Separate School Act, as proposed by Mr. Meredith and his supporters:

Hon. Mr. Fraser followed close upon Mr. Meredith, and was received with hearty applause as he rose. Mr. Meredith, he said, had started out all right apparently, but had not gone far before it was manifest that, whatever else his intention was, he was bent on making an appeal to a certain class in this Province which might possibly tide him over to the Government side of the House. Mr. Meredith asked what could be the motives which would induce him to take this position. Why, even the page behind him could tell him, it was so self-evident. He (Mr. Fraser) had hoped that Mr. Meredith would confine himself to a discussion of the bills before the House, but he had taken the House very far afield, dealing with the whole question of Separate Schools, and, therefore, he (Mr. Fraser) would also have to go further afield than he had intended to. It would be necessary, it seemed to him, to clear up a little as he went along. He was not at present going to follow his hon. friend. He was not, for instance, at present at all events, going to discuss what he had to say about the hierarchy of the

Church, nor what he had especially to say about Archbishop Cleary. His candid opinion was, as between the hon. gentleman and Archbishop Cleary, the latter was able to take care of himself, and his impression was that the scoring which Archbishop Cleary had recently given him accounted for a good deal of the spirit of the attack of the hon. gentleman. (Applause.) Nor was he going to follow him through other matters with which he entertained the House respecting the hierarchy, unless at a later moment he should think it of any consequence so to do. It appeared to him from the London speech of the hon. gentleman, and still more clearly from his speech to-night—because in his London speech he did not go quite so far as he did to-night—together with what the member for Toronto, his first lieutenant, who occupied a seat beside him on the platform on the occasion of his speech at London, had said during a preceding debate—and together with the speech of the member for Muskoka and the resolutions passed at West Toronto Junction, the Convention at which Mr. Clendenan was nominated only very recently—taking these things all together, it was tolerably clear that they had heard the

FIRST GUN IN THE CRUSADE

which was intended to accomplish the abolition of Separate Schools. So they had better see now where they were, what Separate Schools really meant, what principle was involved in them, how their supporters might or might not be concerned, and what the school law provisions were. The general impression seemed to be that when a man became a supporter of a Public School or o a Separate School, what was meant by that was that he was compelled to send his children to a Public or Separate School, as the case might be. He did not read the law as meaning anything of the kind. When they talked of a Public School supporter it meant no more than this, that he was paying a certain amount to the support of a Public School to which he need not send his children at all. As a matter of fact, so far as the law of the Province of Ontario was concerned every Separate School supporter could, though he were required to pay taxes to a Public School, still send his children to a Separate School. The public mind must be disabused of the idea that he could not do this, because the public mind was greatly mistaken on that point. There was no law to compel a man to send his child to any particular school, and there was no such law in any land on this continent, or in any civilised land in the world. All the hon. gentleman would succeed in doing, if he did succeed

IN DESTROYING THE RIGHTS AND

privileges now enjoyed by law in respect of Separate Schools would be to compel those of the Roman Catholic religion—just as they were being compelled across the lines—to pay for the support of Public Schools to which they could not conscientiously send their children, and to carry on besides schools, which, to all intents and purposes, would be the same as the Separate Schools of to-day. He told the hon. gentleman, with respect to the 300,000 people of this Province forming its religious minority, who were concerned in this question of Separate Schools from the standpoint of their religion, and to whom it was a matter of conscience—who, when they aided in supporting Separate Schools were but doing that which their faith and religious belief required them to do—he told him that should they ever repeal these provisions, so that there would no longer be a Separate School Act, there was not a single Roman Catholic Separate School that would the day thereafter be closed, and they could not be closed under the law. Now, he would point out where the cardinal point of the whole school law of this Province was to be found. It was found in a couple of sections of the Public Schools Act. They were usually known as the compulsory sections. Sections 209 and 210 of the Public Schools Act were the only sections under which, by any law of this Province hitherto passed or now in operation, any parent or guardian of a child was compelled to send the child to school at all. They could take the parent's or guardian's rates or taxes, and compel them, whether poor or rich, to pay towards the support of a school, but under those two sections, which formed the

CORNER-STONE OF THE WHOLE SYSTEM,

and which directed whether a parent or guardian might or might not educate the child, there was nothing to compel him to send the child to any particular school. Section 209 said :—" The parent or guardian of every child, not less than seven years nor more than thirteen years of age, is required to cause such child to attend a Public School, or any other school in which elementary instruction is given, for the period of 100 days in each Public School year, unless there be some reasonable excuse for non-attendance." So that the parent or guardian was not bound by any law that was in existence now to send his child to any particular school, and they could not in this Province enforce any law to compel the parents to do so, because intelligent Protestants would

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not, having regard to their own proper privileges and liberties as parents, permit the enactment of such a law. Therefore, it was only under this clause that there was any compulsion, and this clause applied only to children between seven and thirteen years of age, and under it the child might be sent to any school whatsoever where elementary instruction was given. The next clause proceeded :—" A child shall not be required to attend a Public School if such child is under sufficient elementary instruction in some other manner, of if such child has been prevented attending school by sickness or other unavoidable cause, or if there is no Public School which such child can attend within two miles, measured according to the nearest road from the residence of such child, if under the age of nine, and within three miles if over that age." So, he said again, that when people talked about abolishing Separate Schools, when it was said that a

CRUSADE WAS TO BE LED BY THE

hon. member for London looking to that end, he told them that if the day ever came when that decision would be reached by this Legislature, if they ever put the people of the minority in the same position as they found themselves in the State of New York, where, being compelled to pay towards the Public Schools, they at the same time voluntarily, because of their faith, had established schools of their own—he said to them ahead of time, if ever that time did come, if ever such a law was brought into operation, it would be the stealing—for he could not use any other phrase—from the Roman Catholic minority money for the support of schools to which they could not conscientiously send their children. What else could it be? Under a compact, as solemn as compact could be made, assented to by the old Province of Upper Canada, first formulated by conference, then ratified by the people, ratified by the Imperial Parliament and the Parliament of Canada, the pledged faith of the whole people of this country was given that the minority should be allowed to retain these Separate Schools, and why should they be jeopardised when they had done nothing to deserve the jeopardising of them? What had they done? he should like to ask the hon. gentleman. There were those who said the pupils were inferior, but where were they inferior, or how? In what line of life was it? The Separate Schools of this Province were 50 years old. They had been guaranteed to the minority now by the British North America Act for quite a quarter of a century. He would like to ask what class of the graduates were afraid

to face the majority of their fellowmen in this Province of Ontario? He thought that was the best test of what the system was doing. They might assert mere theories and say the Separate School teachers had not certificates, but the practical and beneficial fruits of the Separate School system were seen in every walk of life, and, comparing the position of the Separate School minority with that of 25 years ago, their position had distinctly advanced. Take the bar, take the pulpit, take the bench, take the merchant's desk, take any rank or walk of citizenship, and, bearing in mind their proportion and numbers, would not those educated in Separate Schools be found

TO BE THE EQUALS OF THOSE

who were presumed to be better educated because they came from Public Schools. He did not say they were any better. It was not because they said they were any better that they maintained these schools, but because they believed that their young children growing up should be educated day by day in their religion. What were they doing in the United States? There nearly a million of the Roman Catholic children attended what are called parochial schools, and these were supported out of the pockets of the Roman Catholic ratepayers, who had to pay besides towards supporting the other common or Public Schools of the country. And these parochial schools were increasing, and only recently there had been a more energetic move in the direction of increasing them in face of the fact that those who supported them had to pay two rates. Now, in face of this, when they were pledged to this system, when it was doing no harm and educating the pupils just as fairly as the Public School system, when the graduates were in all respects the equals of their fellows from the Public Schools, what pretext could there be for the abolition of the Separate School system unless it was to steal and pilfer from the minority? There could be no possible end gained, save this, and one had but to glance at what was going on in the United States to-day to find abundant proof for his assertion. There, where they had no Separate School law at all, the Roman Catholics were carrying on their own system of education, and the same thing would occur here. Did they think the Roman Catholic minority were going to be such sneaks, or make of themselves such palpable cowards as they would be if, under such provocation, they would be found submitting to that which was contrary to their conscience and faith and religion? Now, so far as the general question was concerned, it was sometimes asked by

those who claimed to belong to the "Equal Rights" party, "Why should the Roman Catholics have any rights which we have not?" He did not read the law as saying that Protestants could not establish Separate Schools. He read quite the contrary. As a matter of fact there were nine

PROTESTANT SEPARATE SCHOOLS

in this province, and, as he read the law, they could be established in every city, town and village to-morrow, and established by far more easy methods as to control, as to the giving of notice and as to all that concerned the machinery of the schools, than could Roman Catholic Separate Schools. He would quote from the Protestant Separate School Act on this point, because they had heard it stated that there was no such thing as power to establish Protestant Separate Schools except under certain exceptional circumstances. Section 1 of this Act said:—"Upon the application in writing of five or more heads of families resident in any township, city, town or incorporated village being Protestants, the Municipal Council of the said township, or the Board of School Trustees of any such city, town or incorporated village, shall authorize the establishment therein of one or more Separate Schools for Protestants; and upon the application of five or more heads of families resident in any township, city, town or incorporated village, being colored people, the Council of such township or the Board of School Trustees of any such city, town or incorporated village, shall authorize the establishment therein of one or more Separate Schools for colored people, and in every such case such Council or Board, as the case may be, shall prescribe the limits of the section or sections of such schools." The hon. gentleman read on to the 6th and 7th sections without interruption. These two clauses provide:—"In any city or town the persons who make application, according to the provisions of section 2 of this Act, may have a Separate School in each ward or in two or more wards united, as the said persons may judge expedient." Then the 7th,—"No Protestant Separate School shall be allowed in any school section, except when the teacher of the Public School in such section is a Roman Catholic." Mr. Fraser remarked that this was the only restriction contained throughout the Act as to the general power.

MR. MEREDITH—Hear, hear.

MR. FRASER said his hon. friend said "hear, hear," but this restriction only applied to the case of rural school sections, not to the case of cities, towns and villages, and there

might have been a very good reason in the minds of those framing this law why there should not be a second Protestant School in a rural school section where already there was one taught by a Protestant teacher. Section 8 said :—"In all cities, towns, incorporated villages and township Public School sections, in which Separate Schools exist, every Protestant or colored person (as the case may be) sending children to such a school, or supporting the same by subscribing thereto annually an amount equal to the sum at which such person, if such Separate School did not exist, must have been rated in order to obtain the annual Legislative Public School grant, shall be exempt from the payment of all rates imposed for the support of the Public Schools of such city, town, incorporated village and school section respectively, and of all rates imposed for the purpose of obtaining the Public School grant."

MR. MEREDITH—That is a condition also. There is no such condition in regard to the Roman Catholic Separate Schools.

MR. FRASER—No, but this is more liberal. It does not require any notice. I am pointing out that there is no mere technicality put in the way of Protestant Separate School supporters. Mr. Fraser re-read the clause together with the next succeeding one, which is as follows :—"The exemption from the payment of school rates, as herein provided, shall not extend beyond the period during which such persons send children to or subscribe as aforesaid for the support of such Separate School; nor shall the exemption extend to school rates or taxes imposed, or to be imposed, to pay for school houses, the erection of which was undertaken or entered into before the establishment of such Separate School." The hon. gentleman asked the House to mark that the word "herein," as used here, would show what was meant by the preceding section. So that under this law which related to Protestant Separate Schools, there was no necessity for any notice at all, except the original petition, and thereafter any person might become a supporter, not being bound by any particular date, nor any particular rule; but, so long as he chose to make a contribution, he was exempt from the rate that flowed to the ordinary Public Schools. In quoting the other clauses, he stated that in one respect the Act was less generous, if he might use the term, because once a man became a Roman Catholic Separate School supporter he

COULD NOT WITHDRAW EXCEPT

he had given notice before a certain time in the year of his intention. So that there were on the statute book

of the Province provisions more ample and more liberal for the establishment of Protestant Separate Schools than there were for the establishment of Roman Catholic Separate Schools. It was no answer to his argument that Protestants had not availed themselves of the law. His reference to this statute was mainly for the purpose of showing that those who said Roman Catholics enjoyed a privilege that was not extended to others were entirely mistaken. He could not quite understand why Protestant Separate Schools had not been established, unless it was that Protestants were a large majority in the Province, and that, controlling the Public Schools as they did, they should be quite content to have them as their system. But there were cases where Protestant Separate Schools had been established. There were nine in the Province of Ontario, where, until two or three years ago, the teacher's right to teach could have been a simple certificate from the Trustees without even the formula of an examination. But suppose there was no such statute as the one he had quoted, he had for a long time been unable to understand why in the larger centres—for example in the City of Toronto, where the schools were practically unmixed—there had not been more religious education imparted. There was no reason why there should not be. If there was all the tendency towards union of the Protestant denominations which it was stated there was, would it not be possible where there were no Roman Catholic pupils, and where the children of various Protestant denominations were together, that there should be more religious education, and that it could be agreed upon. One could not if he would, nor dare not if he could, close his eyes to the fact that agnosticism and atheism were spreading a great deal in the world, and that these did not come from the farm, the hamlet or the township, but from the great centres of the population; and would it not be a good thing, instead of trying to abolish Separate Schools, if the Christian Churches of this Province, where they have the opportunity, without any demur being made, were to introduce into these Public Schools more of the religious teaching which in the end might save a good many from drifting from Christianity into the paths of agnosticism or atheism, or any of the other isms to which he had referred. The speaker next proceeded to give the reasons why the Opposition leader had entered upon this crusade against Separate Schools. He did not think he needed to go further than his friend's London speech to find the reason. The hon. gentleman had been in this chamber during the time that all these various amendments had been made. If there was anything that his friends boasted of more than another, it was that there was

not a single item of legislation that his eye had not scanned; that he was there to put the dots over the i's and the crosses over the t's; that he never failed to unearth and detect anything that was of doubtful or improper tendency, and that any particular provision that required amending he invariably put right. Now, it must be a very great humiliation to him to be compelled to practically say that these Separate School amendments had passed through the House without his discovering anything wrong or improper or unfair in them. He (Mr. Fraser) thought he found the reason for his (Mr. Meredith's) position now in what he had referred to to-day as

THE "SOLID VOTE,"

and that, as the Roman Catholics were against him and in favor of the Liberal Government of Ontario, he had nothing to gain from that part of the electorate, and could afford to take such a course as would give him increased support from Protestant recruits. He (Mr. Fraser) denied that there was any such thing, or ever had been such a thing, as a solid Roman Catholic vote in this Province or in the Dominion. Even the clergy were divided, and there had never been a time during which the Roman Catholic vote for any party or parties had been solid or nearly solid. Not only the laity were divided, but the clergy were divided in their politics, and the Bishops also, just as they had a right to be. There were some features of the political history of the Province, so far as it concerned Roman Catholics, which the leader of the Opposition seemed to have forgotten, and he begged to remind him of them. In the old days the Catholics were found supporting Baldwin and the Liberals of that time with an approach almost to unanimity, and to-day the Roman Catholic allegiance to the Liberal party would have been about as it was then had it not been for this Separate School question. It was well known that immediately prior to Confederation they were with the Conservative party. How did they come into Confederation? They came in with the Separate School system guaranteed, and when, according to the then views of the Conservative leaders, the old political parties were disbanded, and the political slate was clean. Next he referred to the calling of a Roman Catholic Convention in the City of Toronto, which was a lay movement prompted largely by the illiberal way in which the Conservative leaders had treated the Roman Catholic laity in the matter not alone of the distribution of the public patronage, but also as respected representation in Parliament. His hon. friend told him that the Roman

Catholics had a right to aspire. Yes, they had a right to aspire, but it was very rarely that they got there. It sounded well on the platforms, it went well at a convention, it had a very nice ring about it, but there was a great unwritten law that "blood is thicker than water," and where it was a matter of competition for a particular post it would be found that in the end there were not many offices for those

WHO FORMED A RELIGIOUS MINORITY.

Friends of the hon. gentleman, when they went out into the back school-houses, were too prone to say the Catholics obtained too much; yet even under this Liberal Government, desirous as they have been to do what was right by the Roman Catholics, they had not been able to do it, simply because the underlying influences had been against them. The next movement of any consequence among the Roman Catholics took place after the election of 1871. The taking into the Government of Mr. Scott, as Commissioner of Crown Lands, was looked upon by a large section as a certain concession to what they were asking. In consequence, a still further deviation from the ranks of hon. gentlemen opposite took place. Later on came the platform laid down by the Orangemen of this Province. In the Grand Lodge of Western Ontario that met at Hamilton in 1876, a political platform was adopted, which is quoted in another part of this report. He asked them, in the face of that platform, adopted by those who formed the strength of the Conservative party then as they did to-day, what might any intelligent Catholic be expected to do except to leave that party. In 1876, therefore, by reason of that platform, there left the ranks of the Conservative party a large body of Catholics, who joined the Liberal party and had remained with it ever since. But they did not all leave, not even then. There even then probably remained more than one-half the Roman Catholics following the hon. gentleman opposite. In order to see whether their separation from him had come about by perfectly natural stages, he proposed to take the returns of the general elections of 1879 and 1883 and 1886. There were in this Province constituencies in which the Roman Catholics were either in a majority or nearly so, and others in which they formed a very large proportion of the electorate, and he intended to take these constituencies to demonstrate that in the election of 1879, even after these amendments, the hon. gentleman had as nearly as might be one-half the Catholic vote. In Dundas his supporter was elected (Mr. Broder.) The Roman Catholic vote in that constitu-

ency was a large one, and they largely supported him then and still support him, though not in such numbers now as they did in the election of 1879. How could they be expected to do so now, when, as it would seem, the

LEADER OF THE OPPOSITION THOUGHT THAT

his only chance of success lay in driving out the Catholics from his party in the hope that he might gather in sufficient of others to compensate him, or more than compensate him, for their loss. His policy was one of desperation. Having failed at all other points, this last chance was to be taken. Then Mr. Fraser returned to a review of the results of the election of 1879. He showed how in Essex North, in Glengarry, in Huron East, in Lanark, in Ottawa, in Peterborough West, in Prescott, in Russell, in Stormont, in North York, etc., in sixteen constituencies in all where the Roman Catholic vote is either in the majority or forms a very important factor in the contest, that vote ten years ago, so far from being, as was now charged, a unit in favor of the Liberals, was, so far as could be gathered, much more in favor of the Opposition than of the Government. In all these places the Roman Catholic vote had either secured the election for Mr. Meredith of a follower, who was in several cases a Roman Catholic himself, or had furnished a large proportion of the support which the Conservative candidate had secured. In Essex South Mr. Wigle had been returned to support Mr. Meredith, and in Glengarry Mr. McMaster, one of his warmest and most talented supporters, had been elected, both of them receiving the bulk of the Roman Catholic vote. Mr. Lees had been returned for Lanark nominally as an Independent, though he seemed upon coming into the House to forget that he had ever seen such a word as "independent," and had been constantly voting for Mr. Meredith. He, too, had had the largest share of the Roman Catholic vote of that constituency. In Ottawa, if the Roman Catholic vote was not in a majority, it was close upon it. Under the Manhood Suffrage Act he believed it would be in a majority. This constituency sent a Roman Catholic to support Mr. Meredith, in the person of Mr. Baskerville, and so with other places named; and more than that, the Conservative candidate, defeated or victorious, had almost invariably received the larger share of the Roman Catholic vote of these constituencies. Altogether there were five Roman Catholic members supporting Mr. Meredith in the Parliament that ceased in 1883.

Mr. Fraser then told the story of the election of 1883, showing

that the result was practically the same, the larger proportion of the Roman Catholic vote being still cast on the Conservative side. Cornwall returned Mr. Ross, with the aid of a majority of the Roman Catholic vote; Essex North, Mr. White, a Roman Catholic; West Kent returned Mr. Clancy, a Roman Catholic; in Lanark the "independent" Mr. Lees was again returned, and all of them chiefly or largely by the aid of the Roman Catholic vote. In Kingston Mr. Metcalfe shared the Roman Catholic vote.

Mr. METCALFE—They are orthodox there yet. (Laughter.)

Mr. FRASER—Yes; my hon. friend is prepared to admit that in spite of the rumors that are abroad it is not true, so far as Kingston is concerned, that the Roman Catholics have left the Conservative party—not even with Archbishop Cleary there.

Mr. METCALFE—He is the best man they have.

Mr. Fraser, in continuing, briefly showed that in Ottawa Mr. Baskerville had been returned, in Prescott the Conservative candidate got 95 per cent. of the Roman Catholic vote, and Russell and Stormont both sent supporters of Mr. Meredith to the House. Thus, said Mr. Fraser, he had demonstrated that down to 1886, so far as Roman Catholics were concerned, notwithstanding all that had been said about the alliance between the Government and the Roman Catholic hierarchy, notwithstanding that it had been said that the Roman Catholic lay vote would go to the polls in a solid mass, notwithstanding that it had been called the "sheep" vote, notwithstanding all these and various other slanders, down to that time, at least, they found a goodly half of the Roman Catholics of the country supporting hon. gentlemen opposite, and several supporting them in the House. But in 1886, there was reason why they should not be found doing so. If the leader of the Opposition had not

MOUNTED THE PROTESTANT HORSE

he had at least put on the boots and fastened his spurs. Brother William Bell would not otherwise have told them what he had the other day in the city. The Roman Catholic people were not idiots or fools. They knew and scanned the politics of the country and could read between lines and see the signs of the times. If these told anything in the election of 1886 it was this—that, looking at what had been said from the public platforms in Toronto, platforms on which Mr. Meredith's chief lieutenants had been some of the speakers, the time had come for their departure from his political side in larger numbers than ever before. He ventured to say that any Protestant denomination that supported either

the Opposition or the Government, and that had been assailed as the Roman Catholic denomination had been then by the party it was giving its support to, would have deserted that party, Government or Opposition and rightly so. No wonder the Conservative party had lost a considerable portion of the Roman Catholic vote. Mr. Meredith had driven them from him. He had done so because at the very last minute he thought he saw his opportunity. He thought this great Protestant Province of Ontario could be aroused by religious prejudices. Although he had pretended no hostility to the minority, yet the minority had concluded from all that he had said, and that had been said by his followers, that if he got into power he would be at the mercy of those who formed the strongest part, the very backbone of his political party. Brother Wm. Bell had told them that he intended mounting the Protestant horse.

THE PROCLAMATION HAD BEEN

made. Everybody who could understand the English language understood from what had been announced that Mr. Meredith was prepared to vote for such an amendment to the Constitution as would give to the Legislature the right to deal with Separate Schools, and if this power were obtained by him there could be no doubt, after what he had said there that night that he could not, if he wished to be considered an honest man, do otherwise than endeavor to abolish Separate Schools. But even in 1886, in spite of all that had been said, and with so much that could be read between the lines of his manifesto that year, with the evident tendency of the statements made on his behalf through the country by his candidates, still there was no solid Roman Catholic vote in the Province of Ontario. Mr. Meredith had not so large a share of it as before, but even with things as they were, with the evident trend of his own mind, with his evident antagonism to the Roman Catholic minority of the Province, there were still thousands of Roman Catholic votes cast for him through Ontario. In Essex North, Mr. White was defeated by Mr. Pacaud but Mr. White received the vote of his co-religionists. Mr. White, by the way, Mr. Fraser pointed out, was the particular Roman Catholic who was taken round to the various constituencies to straighten things out.

MR. MEREDITH WAS ASHAMED

at this time to show any more than his boots and spurs, and he didn't want to risk too much on them; so while he was doing all

he could to increase the number of his Protestant supporters, Mr. White was sent around to try and keep the Roman Catholics together. Mr. Fraser then repeated the story of how, while he was going round in this way, Mr. White happened to get into a church one day while a service was on, and, upon the kneeling of the congregation, Mr. White had knelt, too, and the prayer happened to be for the success of Mr. White's opponents. Mr. White, no doubt, prayed as heartily as anybody, and his prayer was answered, for his opponents were successful. After that let nobody doubt the efficacy of prayer, said Mr. Fraser. The hon. Commissioner recounted the several other constituencies which retained even in 1886 a good share of the Roman Catholic vote. When he came to Kent, he remarked that his hon. friend, Mr. Clancy, a Roman Catholic himself, had been still returned for that constituency.

Mr. CLANCY broke in with, "Yes, in spite of you."

Mr. Fraser said, "I was on my back on a sick bed at the time, so I don't see how the hon. gentleman can say in spite of me. If I had been able to do anything I might have succeeded in reducing his two or three of a majority so much that he would not have got back here at all."

Mr. Fraser proceeded to show that even at the election of '86 he could point to fifteen or twenty constituencies in the Province where the Roman Catholic vote was largest, and demonstrate that that vote had not been influenced either one way or the other by the Roman Catholic hierarchy. The Roman Catholic minority were not slaves or bondsmen in the exercise of their franchise. They voted as independently as the Protestants. It was an insult, and an offensive insult, to say they did otherwise. They did not require the ballot to protect them. No doubt in some constituencies the ecclesiastics had exercised their influence, just as many of the Protestant clergy had done. He did not hear very much said against the political sermons that were preached from Protestant pulpits on behalf of the Conservatives so frequently, but if the Roman Catholic priests had done the like the Orange lodges would be blue with denunciation. The Roman Catholic clergy had the same rights as the Protestant clergy. He was not protesting against the use the Protestant clergy put these rights to. Ministers and priests had the right to use their influence just as other men did. He knew no reason why they should not be permitted to express their opinion just as other men did. Yet Mr. Meredith, only in his recent London speech, had taken a slash at Archbishop Cleary for using his influence, and had carefully refrained from mentioning the Protestant clergymen who had

preached sermons on his behalf in London pulpits on a certain Sunday shortly preceding the last general election.

MR. MEREDITH said he had never even heard of them.

MR. FRASER said they were reported in the press at all events, and must have been delivered. No doubt priests of the Roman Catholic minority had exercised their rights similarly. They had a right to do so. Many of them had used their influence against hon. gentlemen opposite. How could they have expected them to do otherwise when the conflict came to what it was in 1886, or, still more, what it had come to now, when it had become "a battle of the schools," as it had been styled the other day by the hon. member for Toronto (Mr. H. E. Clarke), an hon. gentleman whom he supposed would be one of those likely to form a Government if they were returned to power? He (Mr. Clarke) had said that Separate Schools would have to be tolerated until the Legislature got the power to abolish them. There was no reason then for Roman Catholic clergy acting otherwise than they had done. Actuated as they were from religious belief, they would be traitors to their Church if they did; false to their own conscientious convictions and to the Church of which they were priests and ministers if they did not, so far as lay in their power, seek to prevent the

ABOLITION OF THOSE SCHOOLS

of which they thought so much, and the maintaining of which was with them a matter of faith and conscience. They were not to be blamed either for their active participation in matters relating to the schools. They would have been more readily blamed by the Roman Catholic minority if they had not displayed this activity. The Roman Catholic minority expected them to do this. They felt, many of them, that their priests had more time at their disposal, and were otherwise better fitted than many laymen were, for taking an active part in defending the rights that had been guaranteed to the Roman Catholic minority in this respect. They were expected to devote themselves more particularly than laymen to matters connected with the training and education of the young. He repeated that if the Roman Catholic minority of the Province found their priests not giving attention to the schools and active in their defence, they would be the first to say the priests were wrong in not doing so, and when they do give attention, and carefully day by day, week by week and month by month, the Roman Catholic minority approve their action and applaud them. But there was yet another matter which the

Roman Catholic minority had not lost sight of. If the hon. gentleman opposite was called upon to form a Government, what sort of a one would it be? There would be, he supposed, his Brother from Owen Sound (Mr. Creighton), and his Brother from Grenville (Mr. French), and his Brother from Toronto (Mr. H. E. Clarke), and his Brother from Muskoka (Mr. Marter). Why, the Grand Lodge would be in session every time the executive council was called together! (Loud laughter and applause.)

MR. FRENCH said Mr. Fraser had made a mistake in including him in the Grand Lodge.

MR. FRASER, continuing, suggested that perhaps one of them would tyle the door, and the laughter was renewed. But, he said, he thought the Roman Catholic minority had no desire any more than Protestants to be ruled by the Grand Lodges. And thus the Conservatives as led by the member from London were even now driving Roman Catholics away from them: they were giving them no place in their counsels and did not intend to. That Roman Catholic would be stupid, would be a traitor to his own best interests, and would lose sight of what he ought to do if he lent any influence to help Mr. Meredith to power. He did not doubt that some of them would do it, some whom his words of advice would not reach. Mr. Clancy, no doubt, would do his best to help him, but if he came back, what influence would he have in such a Government as he had suggested, always supposing it was returned to power, and the hon. gentleman was lucky enough—no doubt he would consider it lucky—to form a member of it? And what other Government than such a one could be formed by the Conservatives opposite? Why, if the hon. gentleman entered such a Government and adopted as he must its policy on the Separate Schools question, whom would he represent? Nobody, he would tell him. One after another, said Mr. Fraser in conclusion of his remarks on this point, could be seen the mile-stones he had pointed out as having been planted by the hon. gentlemen opposite, and looking at these mile-stones the House would see why to-day there are so many of the Roman Catholic minority of the Province supporting this Liberal Government.

Although he had, said Mr. Fraser, already detained the House a considerable time, he could not refrain from a few words more in respect to some of the provisions of the bills before them.

MR. MEREDITH—"Hear, hear."

MR. FRASER—My hon. friend says "Hear, hear." He did not say "Hear, hear," some time ago when something was being said to which it would have become him well to say "Hear, hear."

(Laughter.) The member for London had denounced the Government, in his London appeal to the electors of the Province, as having been in league with the Roman Catholic hierarchy and of having, as the price of their support, made certain concessions in respect of Separate Schools. Nothing could be more untrue, nothing more unjust. He denounced the Government, too, because, so he alleged, legislation, sanctioned by the House, had tended to increase Separate Schools, and he said any man would be a traitor to the Province who would permit such legislation. Well, according to his own showing, he and the party to which he belonged must have been either traitors to their country or not quite so capable as they occasionally claim to be. Either they did not know what was going through the House, or else, knowing it, they were, directly or indirectly, instrumental in passing it. He could take whichever horn of the dilemma he liked. (Cheers and laughter.) What he (Mr. Fraser) had to say in reference to the proposed changes in the laws relating to Separate Schools was this:—That the British North America Act guaranteed to the Roman Catholics certain rights and privileges they enjoyed at the time that we came into Confederation. One of the rights and privileges so

ENJOYED THEN WAS THE RIGHT TO

maintain Separate Schools under the terms and conditions provided in the Separate Schools Act. This House had no power, as he read the law—no power whatever to enact some of the legislation that was now proposed by the opposition. In view of what had been said by the gentlemen opposite—in view of their avowed and evident intention to abolish Separate Schools—he proposed to advise, with a full sense of the responsibility that he might be under to the House, the Roman Catholic minority to resist these proposed amendments—to resist them on the ground that the House had no power to legislate in this direction—to resist them on the further ground that they have reason to believe that they are not proposed in the interests of Separate Schools—to resist them because, in short, they are ultra vires, and intended to cripple the Separate Schools. (Cheers.) There was an old saying anent the Greeks, that they were to be feared most bearing gifts. It was well to remember it here. None of these amendments came from the friends of Separate Schools. The gentlemen who are now proposing to amend the Separate School Act do not hide that they would prefer to abolish them altogether. Therefore Roman Catholics had reason to regard

with suspicion all proposals emanating from them. "We had the privilege," Mr. Fraser continued, "at the time that the British North America Act was passed; we had the privilege of selecting as teachers for Separate Schools those qualified under the then laws or regulations of either Upper or Lower Canada—Ontario or Quebec, and I say that there

WAS GOOD REASON FOR THIS

privilege being given us. I say that this House has no right under the British North America Act to change or alter this right. I venture to say that nothing can be alleged against the capacity of the teachers of our Separate Schools. They are in every way as fit for the duties they are called upon to perform as the teachers of our Public Schools. Here, in the City of Toronto, we are not afraid, so far as our system is concerned, so far as the teachers are concerned, to place them alongside those of the Public Schools and to challenge comparison in the matter of capacity. I say that in the Province of Ontario—and I am not now theorising or making rash assertions, or talking for talking's sake—throughout the whole Province of Ontario, taking the Separate Schools in comparison with the Public Schools, they stand just as high, and they rank equally strong, so far as teaching capacity is concerned. What happened the other day in the City of London, in the constituency of my hon. friend? I think every Public School teacher was dismissed.

MR. MEREDITH—Only for the purpose of re-engaging and reclassifying.

MR. FRASER—The system was not working well then. Whatever may be advanced or alleged against the Separate Schools, you will find that the same complaint can be made against the Public Schools. (Hear, hear.) As was inseparable from any system of public instruction extending over a large tract of country, there are here and there schools that are not free from objection. You hear the same things said even about the churches. Occasionally you hear a complaint that this or that church is not so well served, that there is a lack of efficiency, that there are defects somewhere or other that ought to be remedied. So there will be in almost any system; but although you may occasionally find ground for complaint, you will prove nothing against the system taking it as a whole. Take them as a whole, the pupils, brought up at these schools can challenge comparison with those attending the Public Schools, and results prove that what I have asserted is true. Therefore I say there are two reasons why

things should be allowed to remain as they are: First, the system is working well and satisfactorily, and second, we have no power to make the change. The hon. gentleman then pointed out that the Separate Schools, having regard to the fact that the Public Schools were supported not merely out of the rates and taxes of the ordinary Public School supporter, but had also the support received from the school tax paid by corporations, were not treated fairly, and that, therefore, in their Separate School system it was made practically

COMPULSORY FOR ROMAN CATHOLICS

to get their teachers at as small expense as possible. He had been told the other day, and his authority was first-class, that even in cases where the majority of shareholders in corporate companies were Roman Catholics, the whole of the school tax levied on the corporate property went to the Public Schools; but what he wanted to point out was that although there was a power in the statute book that permitted corporate bodies to pay their school rates to either Public or Separate Schools according to the proportion in which their stocks or shares were held by Roman Catholics or otherwise, yet it was only a permissive power, and had not been exercised to any extent within the Province. He might be mistaken in making a general assertion, but he was informed that it was a fact. Therefore there was financial as well as other reasons for the Separate Schools securing the less expensive and costly, but not less efficient teaching, securable through the services of some of the religious orders. There was no one who could over-estimate the advantage it was to young children that religious Orders of the Church devoted themselves to this work of teaching without asking but the smallest remuneration in return. It was only those who had experienced the benefit that could realize how much the gain was. There was not an honest Separate School supporter from one end of the country to the other who would be willing to part with a single advantage that the schools now had on the ground that the teachers did not carry the certificates that other teachers possessed. (Cheers.) So much for this part of the subject. He objected to the proposal to impose the ballot upon Separate School supporters for various reasons. One reason, as had been well pointed out by the Minister of Education, was that the compulsory adoption of the ballot would be a violation of the Constitution. It was only necessary to look at the system of election in operation at the time of Confederation to see in this what every reason-

able person would be prepared to admit, an infringement of their rights, an attempt to do away

WITH THE PRIVILEGES THAT THE

Roman Catholics then enjoyed. The point, however, would be made still more clear by supposing that the then system of voting had been by ballot, and that for any reason, no matter what, it were now proposed to abolish the ballot and to compel the election of trustees by open voting. Would it be contended that to so enact would not deprive Separate School supporters of a right and privilege—namely, the right and privilege of electing their trustees by ballot. What difference in principle, he asked, could there be between the supposed attempt to take away the ballot and the attempt now being made to take away the right of open voting. But there were other reasons why he objected, why the Roman Catholic minority of this Province objected, to the introduction of the ballot. "You cannot," the hon. gentleman proceeded, "diassociate it from the discussion outside; you cannot disassociate it from my hon. friend's London speech; you cannot disassociate it from what was contained in the platform of the hon. gentleman opposite; you cannot dissassociate it from the fact that its alleged necessity is offensive to the hierarchy of the Roman Catholic Church; that it is offensive to the clergy of that Church; that it is offensive to the laity of that Church in that it insinuates that only under the ballot could their rights and privileges be maintained. (Cheers.) Gentlemen opposite, in order to make more studiously offensive what was already offensive enough, make the insinuation that the laity are afraid to exercise their undoubted rights on account of the improper influence of the clergy. I say there is no self-respecting Roman Catholic in this Province of Ontario who will not

FEEL KEENLY THE INSULT TO HIS

clergy, nor any less the studied offence to the laity. It says in effect that we Separate School supporters are slaves, bondsmen and serfs—not allowed to control our own actions—not allowed to have our own wishes in the election of Trustees. It said this because forsooth in the City of Toronto in certain localities the priest has happened to exercise his legitimate influence in the matter of elections. (Cheers.) The Roman Catholics are not asking for this legislation, and I make bold to presume that they know much better what their own requirements are than do the gentlemen opposite or any other persons

outside their Church." Was there, Mr. Fraser asked, a single denomination in the Province of Ontario who would not resent such legislation as this? Put the members of the Methodist persuasion or of any other denomination in a position similar to that of the Roman Catholic minority, would the House dare to force upon them such alterations of the law unless they were asked for? If any party proposed to abolish the privileges of any religious denomination, that denomination would be found a unit in opposition. The hon. gentleman had laid down the rule when he appeared before the electors of the City of London that the Roman Catholic minority, because of its being, as he in that speech wished the people to believe, a solid, compact political unit ruled by the Hierarchy, should be regarded as a common enemy, and where there was a common enemy people were justified in uniting against it. If this were so, then, according to his argument, every denomination

THAT UNITED IN DEFENCE OF ITS

rights should be treated as a common enemy. It would be the same were a proposal made, on the principle that there ought to be only one University in Ontario, to abolish the Victoria University or the Queen's University at Kingston. Does any one suppose that the religious denominations to which belonged these Universities would not stand up as a unit to defend their rights; and would they be regarded as a common enemy? If they proposed to interfere with the smallest right of the Presbyterian University of Queen's did they suppose they would not find the Presbyterians united against the political party at the next general election that attempted to infringe that right? (Hear, hear.) He wanted to know why it was that a different line of action was to be expected from the Roman Catholic minority than would under similar circumstances be expected from a Protestant denomination. Their educational institutions were as dear to Roman Catholics as were those of any other denomination to the members of their body. When danger assailed them was it not to be expected then that they would unite even more closely than they had done? So far as the Opposition was concerned, they were as good as pledged to abolish the Separate School system—they were practically pledged to the hilt to do so. It had become, in truth, a cardinal point in their platform when adopted and sanctioned by the Grand Lodges. This was the platform, adopted by the Grand Lodge of Ontario West, at Hamilton, at a meeting held on the 15th and 16th

February, 1876, and it was now virtually the platform of the hon. gentleman and his colleagues:—

Resolved, That, in the opinion of the Right Worshipful Grand Lodge, the time has arrived when the Orangemen of Canada, without reference to politics or political parties, must unite in one grand political phalanx in order to stop the encroachments of the Romish Hierarchy upon the body politic of the country, and that the following platform be adopted:—

Unswerving and untiring allegiance to the Mother Country and British Connection.

(2) No grants of money from the public purse for sectarian purposes.

(3) No Separate Schools, but free secular education for all.

(4) Taxation for all; taxation of all property held by religious bodies upon its fair assessment value.

(5) The opening of all public institutions in the land, religious or otherwise, to public inspection by Government officials.

(6) That it shall be the duty of the County Master in every Orange county, in the event of a general election or other election taking place, either for the Local or Dominion Parliaments, to submit the platform to the candidate or candidates to ascertain if they will support it or not, and then to call a county meeting before the day of polling, and if neither of the candidates will support the said platform, then it shall be the duty of the County Lodge to bring out a candidate.

The hon. gentleman and his colleagues were under the power of the Grand Lodges, and he (Mr. Fraser) did not think the day had yet arrived when this Province was willing to be thus controlled and ruled and legislated for. The Roman Catholics resented these proposed measures of the Opposition as an interference with their rights, as an insult to themselves; they objected, too, because they did not require them, because it was proposed to thrust upon them legislation that they did not ask for, and they opposed some of it because it was ultra vires. The Roman Catholic minority didn't propose to stand quietly by and see cut away, chip by chip, the whole of the Separate School system. If the hon. gentlemen opposite could have their way, if they could effect their purpose, the guarantees given under the British North America Act would only be

A SHAM, A DELUSION AND A SNARE.

He had a few words to say with reference to the necessity for giving notice by a Roman Catholic before he could become a Separate School supporter. It was an oft-repeated allegation that the amendment of 1879 was introduced to do away with the necessity for giving notice. There never was any such intention.

Those responsible for the amendment proclaimed almost from the housetops that it would still be necessary for Separate School supporters to first give notice that they were such. Before the last general election the Attorney-General in his letter to the Rev. Mr. Milligan showed as clearly as he possibly could that the law still required notice on the part of anybody intending to become a Separate School supporter; and that if he wanted to again become a Public School supporter he had to give notice. He (Mr. Fraser) during the last general election held several meetings, and at every one of those meetings he put it in the plainest language he could that there was no such thing as becoming a Separate School supporter without the giving of this notice. The amendment of 1879 was intended simply to provide the proper machinery for the performance by the assessor of his duties in preparing the assessment roll.

Mr. MEREDITH.—Why did not the municipalities act?

Mr. FRASER.—The hon. gentleman had given quotations showing that notice had not been given in some municipalities since 1879. He would find that prior to 1879 the same practice very generally obtained wherever there were Separate Schools. He (Mr. Fraser) had made diligent inquiry, and found in some places that although there had been Separate Schools in existence for thirty years there were no Separate School notices given. He was bound to say, if he told the truth, that he never himself gave a written notice that he would become a Separate School supporter. Even here in the municipality of Toronto, and in all municipalities where Separate Schools existed, neither authorities nor people had cared a brass farthing whether the Roman Catholics gave notice or not. They were acting neighbourly and friendly and generously, and not caring to take any advantage of the fact that no notices had been given. He would undertake to say that throughout Ontario, until this sectarian cry had been raised, not even the most vigorous opponents of Separate Schools concerned themselves as to whether notices were given or not. The fact was that where a Separate School existed everyone acted on what was well known to be the actual state of affairs, that all the Roman Catholics of the locality, with here and there a rare exception, were voluntarily and freely supporters of the school, and no attention was paid to the mere technicality of requiring a notice. On the other hand, everybody who was not a Roman Catholic was supposed to be a supporter of Public Schools. The public officers recognised this. He was not prepared to speak for every municipality, but he would undertake

TO SAY AS REGARDED A GREAT

many of them that prior to 1879, as since that time, notices had not been given, and it was a significant fact that nobody had been found mean enough to make an appeal against a Roman Catholic because he had not given notice. Was not this a proof that, throughout the Province, Protestants and Catholics alike were acting in a neighbourly and friendly way one toward another—that the Protestant majority did not care whether Roman Catholics gave notice or not, so long as they were voluntarily supporting their schools, that was all that they concerned themselves about. Separate School supporters did not ask for the amendment of 1876, which made necessary the amendment of 1879. As a matter of fact, in 99 cases out of 100, probably in almost all cases, the assessor was a Protestant, and being a Protestant would see that Public Schools were not prejudiced. He would ask anybody who knew the condition of affairs—he would ask the hon. gentleman himself—whether the state of affairs was not practically that every Roman Catholic, with very rare exceptions, was known to be a Separate School supporter in the municipality within which a Separate School was situated.

Mr. MEREDITH—I have no knowledge; I cannot say.

Mr. FRASER—I say that this was so the Province over. This was the state of affairs when this amendment to the law was passed in 1879. If they had the same regard, he contended, to the interests of the Roman Catholic body that they had for interests of the Wesleyan, the Presbyterian, the Baptist body or the Church of England, the Opposition would not attempt such legislation as was now proposed, for they knew it would be resisted and opposed by the masses to be affected by it. Mr. Fraser then, at considerable length, quoted from the reports of *The Globe* and *The Mail* of the debate in Committee when the Act of 1879 was before the House. The report read:—

"Mr. O'SULLIVAN moved an amendment to the bill providing that every Roman Catholic should be deemed *ipso facto* a Separate School supporter, and that notice in writing should be required to be given by a Roman Catholic rate-payer before school taxes levied upon his property should be applied in aid of Public Schools."

The report of his (Mr. Fraser's) speech read:—

"He desired that nothing should appear in the Act which might be claimed unconstitutional. The fundamental principle of the Separate School was that it was permissive."

It was clear that Dr. O'Sullivan, who was one of the active supporters of the member for London, thought that notice would be still requisite, and that he (Mr. Fraser) contended that the necessity for giving notice could not be interfered with. The report of the debate proceeded :

"Mr. WHITE was somewhat surprised that the Commissioner of Public Works should discourage the motion of the hon. member for East Peterborough. He was not sure that it required an amendment to the Assessment Act, and if necessary he suggested that the consideration of the present bill should be postponed. In any case he submitted that there was nothing asked for but what was fair and reasonable and he believed the House was prepared to grant it. These schools were recognized by the Act, and, therefore, he (Mr. White) did not see where the constitutional question suggested by the Commissioner of Public Works came in."

"Mr. SINCLAIR said the idea of allowing any person to support the Separate Schools if he wished, simply meant that persons who cared nothing for the principle would support that school when the taxes would be lightest."

"Mr. CROOKS, (who was the Minister of Education at the time), said this would elevate the Separate School system into a rival of the Public Schools. The British North America Act provided that existing privileges of Separate School supporters should be continued, but this amendment would make the Separate School compulsory. The principle of Separate Schools," Mr. Crooks continued, "whether Protestant or Catholic, was simply permissive, and he was not prepared to go so far as to guarantee any support to them. His (Dr. Sullivan's) contention was that not only should every Roman Catholic be regarded as a Separate School supporter, but that he should not be regarded as a Public School supporter unless he gave notice. He (Mr. Crooks) was only in favor of an alteration of the law so far as the change was required by public necessity. All he (Mr. Crooks) assumed to do was to provide that the assessor should do his duty."

Mr. Fraser said it was necessary, in 1879, to provide some machinery for distinguishing between Roman Catholic School supporters and Public School supporters; and the machinery which was provided in the Bill introduced by Mr. Crooks as Minister of Education was the simplest and the most fair. He denied that there had ever been a single utterance of his made which could be construed into a contention that the Separate Schools should be compulsory; and the hon. gentleman must have misunderstood the position he (Mr. Fraser) had taken when he said what he did in his speech at London. If the House were willing, and there was no objection by anybody to the provision, that every Roman Catholic should be compelled to be a Separate School supporter, he (Mr. Fraser) would oppose it on the ground that the Legislature was assuming a prerogative that might eventually lead to the abolition of the Separate Schools. For if this Legislature could declare that all Roman Catholics must be Separate School supporters, the right to make such a declaration

would involve the power to declare that no Roman Catholic could be a Separate School supporter. The power to do the one thing would, of logical necessity, include the other. There was one other bill he would refer to—that relating to High School Trustees. The Separate School supporters were not very much concerned about that bill. It was

NEVER ASKED FOR BY PRIEST

or bishop. Some of the laity had thought it would be a good thing, however, to interest Roman Catholics more largely in the High Schools. If this House were of opinion that the privilege given of electing a High School Trustee, should—not, as a yielding to popular clamor, or cant, or hypocrisy,—be taken away from Separate Schools boards, no objection would be raised. At the same time he would be greatly disappointed if that were done, and the House was hardly likely to take away from these school boards a privilege that did nobody any harm. Moreover, wherever there was a High School in existence every Roman Catholic must pay taxes in support of it, and it was thought that the power of being able to select a High School Trustee would interest the Roman Catholics more in these institutions, and the result proved that they were right. If the Protestant majority of this country, however, thought this should not be continued, by all means let it be taken away; but if the House decided to do so he did not think it would be acting in the best interests of the country, in the best interests of the High Schools, or in the best interests of the cause of higher education. In conclusion, he would again repeat that there was nothing the Roman Catholics held more dear than their Separate Schools, and if the House passed a law abolishing them there would still be Separate Schools. What, after all, did they get towards their support? They got about $18,000, about 60 cents for each pupil in the Roman Catholic Separate Schools. What was that amongst them? His hon. friend had shown that in this small contribution there was some connection between Church and State because there was religious teaching in the schools; but if there was a violation of the principle of no connection between Church and State in respect of Separate Schools, there was similar violation so far as the Public Schools were concerned, for in these, religious teaching, with certain restrictions, was also permitted. Undoubtedly there was religious teaching given in the Separate Schools; that was the reason for their existence.

IF ROMAN CATHOLICS DID NOT

intend to give their children religious education they would not ask for this system. It was, so far as religion was concerned, so far as the great hereafter was concerned, that they asked for this Separate School system. As regards the connection between Church and State there was just as much of it in mere principle in the case of the one class of schools as in the other; and he might be permitted to say again that he was surprised that the Protestant bodies did not unite and have a great deal more religion taught in their Public Schools than there was now, in localities where Roman Catholics had now their Separate Schools, and where, therefore, nobody's convictions could be in any way endangered. He was speaking now of the great centres, where there were Roman Catholic Schools, and where the Public Schools were attended by exclusively Protestant children. He was surprised that there was not more religion taught in the Public Schools in such places than there was to-day. He asked the pardon of the House for having detained it so long. He had endeavored to put the case on behalf of his fellow Roman Catholics as fairly as he could, and he hoped in doing so he had not given offence to any class. He concluded by expressing the hope that the time may never come in the Province of Ontario when the legislature would be called upon to deal with the question of the abolition of the Separate Schools. His hon. friend had asked for public confidence in three or four general elections and he had failed every time, and he (Mr. Fraser) would venture to predict that he would find the same thing true on this occasion. He hoped the great Protestant majority of this country would not be led by hypocrisy and cant, nor allow the ship of State to pass into the hands of any man who was willing to give up opinions and convictions he had expressed in former days in order that he might gain possession of the Treasury benches. (Loud cheers.)

PROVINCIAL POLITICS.

1890.

A SPEECH

DELIVERED BY

HON. G. W. ROSS

MINISTER OF EDUCATION,

IN THE

LEGISLATIVE ASSEMBLY.

MARCH 25th, 1890,

SUBJECT:

Proposed Amendments to the Act relating to Separate Schools.

Copies of this Speech can be had by addressing W. T R. Preston Secretary Provincial Reform Association, Toronto.

Toronto:
PRINTED BY HUNTER, ROSE & CO.
1890.

HON. GEO. W. ROSS'S SPEECH

ON THE PROPOSED

AMENDMENTS TO THE SCHOOL ACTS

As introduced to the Legislature, respectively, by the Government, Mr. Meredith, Mr. Creighton and Mr. French.

HON. G. W. ROSS, in moving the second reading of Bill No 186, "An Act to amend the Public and Separate Schools Acts," said: Hon. gentlemen would no doubt perceive from the brief proposals of the Bill, that its main object was to remove doubt as to the rating of Public and Separate School supporters. By section 14 of the Act of 1863, any Roman Catholic who by himself or his agent gave notice to the clerk of the municipality on or before the 1st of March that he was a supporter of a Separate School, was exempted from Public School rates. But in addition to this notice the trustees of every Separate School were required to send to the clerk of the municipality on or before the 1st day of June in *each year* a list of the supporters of their school, and every person not appearing on this list was to be consi'ered a Public School supporter. In 1877 the School Act was amended, requiring the assessor to designate upon the assessment roll who were Public and who were Separate School supporters, and the trustees were allowed to substitute the classification thus made for the list required under the Act of 1863. An appeal was allowed to the Court of Revision as in other assessment matters where errors were alleged to have been made by the assessor. Owing to frequent mistakes in the classification of the ratepayers, the assessor was directed by an amendment made in 1879 to "accept the statement of or made on behalf of any ratepayer that he was a supporter of a Separate School as sufficient *prima facie* evidence for placing such person in the proper column of the assessment roll for Separate School supporters." Notwithstanding the simplicity of these amendments and the facilities for correcting all errors by the Court of Revision mistakes still occurred, and it appeared to the Government that the best and only remedy was to instruct the various officials connected with the assessment specifically as to their duties. Hon. gentlemen who were

acquainted with the Municipal Act knew there were different persons responsible for the preparation of the assessment roll. The assessor had certain duties to perform; then the clerk had certain other duties, and the final settlement rested with the Court of Revision and the County Judge.

Purposes of the Bill:

If hon. gentlemen would examine the bill they would see how these duties were classified, as far as the Separate Schools are concerned. By the first section:—

"The Clerk of every municipality shall forthwith after the passing of this Act, enter in a convenient index book, and in alphabetical order, the name of every person who has given to him or any former Clerk of the municipality notice in writing that such person is a Roman Catholic and a supporter of a Separate School in or contiguous to the municipality, as provided by the 40th section of the Separate School Act, or by previous Acts respecting Separate Schools."

That was the first instruction. Then the instructions go on:—

"The Clerk shall also enter opposite the name, and in a column for this purpose, the date on which the notice was received, and in a third column opposite the name, any notice by such person of withdrawal from supporting a Separate School, as provided by the 47th section of the said Act, or by any such other Act as aforesaid, with the date of such withdrawal: or any disallowance of the notice by the Court of Revision or County Judge, with the date of such disallowance."

Then it was provided that:

"The index book may be in the form set out in the schedule to this Act, and shall be open to inspection by ratepayers."

These directions were very specific, and it was confidently expected that if the clerks of municipalities, who discharged their duties under very heavy penalties, carried out these instructions, the mistakes to which he had called the attention of the House should not occur.

He wished to call special attention to the fact that the index book was to be open to inspection, so that if any elector was in doubt as to whether notice had been given or had not been given, he could go and examine the index book and satisfy himself.

Notices to be Preserved.

Then it was declared by sub-section 3 "to be the duty of the Clerk to *file and carefully preserve* all such notices which have heretofore been received." So much for the duties of the Clerk.

Then came the instructions to the assessor and his duties with respect to the assessment of property for school purposes, which are very specifically set forth. First, he is to write or have printed across the notice which he gives each ratepayer of his assessment, in conspicuous characters the words, "You are assessed as a Public School supporter," or "You are assessed as a Separate School supporter," as the case may be, so that every ratepayer may have his attention particularly called to his school assessment. This provision he considered of great importance, because nearly all the complaints that came to his notice with regard to assessments would have been avoided if ratepayers had taken the trouble to examine their assessment slips. But this does not conclude the assessor's duties. By section 3 of the Bill he is further directed as follows:—

"Where the list required by the first section of this Act is prepared, the assessor is to be guided thereby in ascertaining who have given the notices which are by law necessary, in order to entitle supporters of Roman Catholic Separate Schools to exemption from the public school tax.

This section will surely meet all the objections made to our former amendments to the Separate Schools Act. Here it is distinctly and specifically set forth that the assessor *is to be guided* by the notices given to the clerk in making up his roll; therefore if no notice is given by any ratepayer of his desire to be rated as a supporter of Separate Schools, the assessor must enter him as a Public School supporter.

Duties of Municipal Councils.

But our precautions against mistakes go further. Not only is all the machinery of the Court of Revision and appeal to the judge still preserved to the ratepayer, but by Section 5 it is provided that the Municipal Council may, under certain circumstances, correct mistakes." The words of the Section are:—

"In case of its appearing to the municipal council of any municipality after the final revision of the assessment roll, that through some mistake or inadvertence any ratepayers have been placed in the wrong school tax column, either as supporters of separate schools or supporters of public schools, it shall be competent for the municipal council after due enquiry and notice to correct such errors if such council sees fit, by directing the amount of the tax of such ratepayers to be paid to the proper School Board. But it shall not be competent for the council to reverse the decision of the Court of Revision or the County Court Judge as to any ratepayer.

"In case of such action by a municipal council the ratepayer shall be liable for the same amount of school tax as if he had in the first instance been entered on the roll properly."

Now what could be more simple or more specific than the machinery provided by this Bill. The duties of assessors and clerks are set forth in detail and should they fail to do their duty, and should the Court of Revision and the County Judge fail to do their duty, then at the last moment, when the collector's roll is made up and the collector is at the door asking for your taxes the Municipal Council may come to your rescue and on "due notice and enquiry," permit you to pay your taxes to the school which, according to your own act, you signified your intention to support.

Mistakes Not Wilful.

We are not aware that municipal officers and clerks or assessors wilfully make mistakes, nor were we disposed to censure Municipal Councils with regard to the way in which these officers had discharged their duties, but the House knew mistakes had occurred, and in this case the Government had proceeded, just as in all other cases, to surround their legislation with such care in regard to every detail as to render mistakes almost impossible. It was not a strange matter that mistakes should sometimes occur. There are between 600 and 700 municipalities and as many municipal clerks and assessors and Councils, and there are probably between 300,000 and 400,000 ratepayers. It was not a strange thing that mistakes occurred. In fact the marvel was that the mistakes had been so rare—that the officers of the municipalities had discharged their duties with so much accuracy. Yet our opponents sought to excite public indignation against the Government because of those mistakes, and all sorts of improper motives were attributed to the Government because of those mistakes, but with the Bill which they were now considering, and with the precautionary measures which they had adopted, they expected mistakes would more rarely occur, if they occur at all, and that the irritation which had been caused by these mistakes would be allayed.

Mr. Meredith's Bill.

His hon. friend (Mr. Meredith) seemed to have been anxious also to provide legislation to guard against similar inadvertencies. He had a Bill, the ostensible object of which was to provide that no person should be rated as a Separate School supporter unless he had given notice as required by the Act of 1855 and the Separate School Act of 1863. He must say the Bill of the hon. gentleman was a marvel of legislative disingenuousness. For instance, in the preamble he says:—

"Whereas every ratepayer ought to be by law *prima facie* a Public School supporter, and no one should be rated as a Roman Catholic Separate School supporter unless he by his own voluntary act declares his intention to be a supporter of Separate Schools in accordance with the provisions of the law; therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Cntario, enacts as follows:"

The hon. gentleman ought to know that every ratepayer is now a *prima facie* supporter of Public Schools. He thought if he (Mr. Meredith) would read the Act of 1855 he would see that the Act not only intended that, but asserted it. This principle of the preamble was contained in the Act of 1863, in the Revised Statutes of 1877 and of 1887, and now in 1890 his hon. friend propose to legislate as if it had been omitted. If his hon. friend would turn to section 2 of the Separate School Act of 1855 he would see that "any number of persons, not less than five, being heads of families and householders or freeholders, resident within any school section of any township, incorporated village or town, and being Roman Catholics, may convene a public meeting of persons desiring to establish a Separate School for Roman Catholics in such school section or ward for the election of Trustees for the management of the same." Now, the action of these Roman Catholic families was predicated upon the existence of a Public School. The same provision was embodied in the Act of 1863, that is to say, until a Public School was first established by law they could not establish a Separate School. Now, if that did not make every ratepayer *prima facie* a Public School supporter, what did it mean? There could be no movement made for the establishment of a Separate School until a Public School was first established, and every person until its establishment was a Public School supporter. The first clause of the preamble was therefore unnecessary. It was one this House never thought to be necessary. It was not thought to be necessary in 1855; it had not been considered necessary for over 35 years, and it was not necessary now.

A Voluntary Act.

Let me next consider another assumption in this wonderful preamble:

"No one should be rated as a Roman Catholic Separate School supporter unless he, by his own voluntary act, declares his intention to be a supporter of Separate Schools in accordance with the provisions of the law."

Now, he (Mr. Meredith) must know, as a lawyer, that this is the law; he must know that there was nothing in the School Act to

compel a Roman Catholic to become a supporter of a Separate School. Where could the compulsion be ? It was not in section 2 of the Act of 1885, whereby any number of heads of families, not less than five, were allowed to establish a Separate School. There was no compulsion in the corresponding section of the Act of 1863, or the revision of 1887. At every stage of the process by which a Separate School was organised and established the action of the Roman Catholic was purely voluntary. I have already pointed out that the first step was entirely so; well, the next was the election of Trustees, a necessary consequence of the first, but there was no compulsion in regard to the election of Trustees. Under section 40, where notice is required to be given of the intention of a ratepayer to become a Separate School supporter, there was no compulsion. There was no compulsion as to whether a ratepayer should or should not give notice. Nor as to section 47, where provision was made whereby a Separate School supporter might withdraw and again become a Public School supporter, was there anything compulsory. Everything was voluntary as between the Roman Catholic and the support he gave to Separate Schools. So that running through all the legislation from 1855 to the present time, the action of the ratepayer in regard to Separate Schools was purely and entirely voluntary. It was voluntary as to the first meetings of five or more heads of families where the first step in the establishment of such a school was decided on; it was voluntary as to the election of Trustees; it was voluntary as to the notice required from a ratepayer of his intention to become a Separate School supporter; it was voluntary as to his right of withdrawing from his position as a supporter of Separate Schools, and it was voluntary as to his proceedings in the Court of Revision, and as far as the proceedings before the County Judge were concerned. The liberty of the subject was not interfered with in any way. There was no coercion, as he (Mr. Meredith) would ask the House to assume in the preamble to the Bill.

First Section of Mr. Meredith's Bill.

Now, what was the first section of this Bill. It provided as follows:—

"Notwithstanding the provisions of any Act or law to the contrary, no person otherwise liable for Public School rates shall be exempt from the payment thereof, or be liable for the payment of rates in support of a Roman Catholic Separate School, unless he shall have given the notice provided for by section 40 of the Separate Schools Act."

I ask the House to notice carefully this section of his (Mr. Meredith's) Bill. What does it mean ? Is it not asking the House to

stultify itself by re-enacting a law placed first upon our statute book 35 years ago, under which over 200 Separate Schools have already been established. What he now proposes was enacted in 1855, and re-enacted in 1863. In 1877, the House—Mr. Meredith being a consenting party—reaffirmed the Act of 1863, including the clause referring to the notice. In 1886, during his own time, it had been again reported in the consolidation of that year. The House had three times placed upon record and enacted and re-enacted the section in the Act of 1863 requiring that a notice should be given. And yet Mr. Meredith proposed now to insert this clause *de novo* into the Act, and virtually to assume that all previous Acts of the House were null and void. Had Mr. Meredith any reason to believe that the clause had been withdrawn by any legislation of the House, or by any authority of the Courts? Those who had spoken and who were entitled to speak with authority on this point, had always declared that section 40 was operative and binding. The late Mr. Crooks, in 1882, gave the following opinion on this question:

"There has been no change in the principle on which Separate Schools are based, namely, the permission or option which each Roman Catholic has to become a supporter of a Separate School or not. His being a Catholic is merely *prima facie* evidence on which the assessor could place his name among the supporters of the Separate Schools; but he cannot do so if the Roman Catholic ratepayer instructs him to the contrary; and in that case, not being a supporter of a Separate School, he would be liable to Public School rates, and entitled to send his children to the Public School. The law permits each Roman Catholic ratepayer his individual option in supporting the Separate School, and provides the proper machinery for having this so settled that he must pay a school rate for one or the other."

The Attorney-General's Opinion.

There was also a very definite statement on the subject from the Attorney-General in his open letter to Mr. Milligan before the last general election of Ontario. It ran thus:—

"But the ludicrous absurdity of the objection is that the preliminary notice has not been dispensed with. On the contrary, it is expressly continued by the 41st section of the Act of last session, the section which gives Roman Catholics exemption from school rates, and any Protestant or other ratepayer of the municipality may object to the exemption before the Court of Revision on the ground that the necessary preliminary notice was

not given, and he may do so without the consent and even contrary to the wish of the ratepayer whose case is in question. Could anything show more clearly the moral weakness of our assailants than the necessity of setting up so idle a criticism."

Here, then, was the united opinion of Mr. Crooks, in his time an eminent lawyer, and of the Attorney-General, that the notice was not withdrawn.

Where, then, I ask, does he (Mr. Meredith) find a justification for submitting to the House such an amendment as that which he proposed? There was no necessity for it in the opinion of the highest legal authority of the Province. Nor do I believe that he (Mr. Meredith) believed from anything that had occurred this section of the Bill was absolutely necessary. To adopt his (Mr. Meredith's) Bill would be an admission that the notice required under section 40 had been withdrawn. The Government had no right to withdraw that notice; it could not withdraw it because it was a privilege the Roman Catholics had a right to under the B.N.A. Act of 1867, and they would have been placed in an anomalous and unfair position were it withdrawn.

Opinion of the Court of Chancery.

But besides the authorities I have quoted on this point, there was the decision of the Court of Chancery in support of the contentions of the Government. On account of the various views expressed by all sorts of bumptious exponents of the School laws, I thought it well to get the opinion of the Courts as to whether the notice to be given under section 40 of the Separate School Act was still required. The question submitted was as follows:—

"Is or is not a ratepayer who has not by himself or his agent given notice in accordance with Section 40 entitled to exemption from the payment of rates imposed for the support of Public Schools, or for other School purposes, as in that section mentioned."

Now let me read the joint decision of two learned judges, Chancellor Boyd and Justice Robertson, and let me ask the House if the Bill proposed by Mr. Meredith is not a piece of useless statutory lumber. Their judgment reads:—

"If the assessor is satisfied with the *prima facie* evidence of the statement made by or on behalf of any ratepayer that he is a Roman Catholic, and thereupon (seeking and having no further information) places such person on the assessment roll as a Separate School supporter, this ratepayer, though he may not by himself or his agent have given notice in writing pursuant to sec. 40 of the Separate School Act, may be entitled to exemption from the payment of rates for Public School purposes, he being in the case supposed assessed as a supporter of Roman Catholic Separate Schools."

And lest there should be any doubt in the mind of any hon. member as to the full scope of their decision, the judges further said, in answer to another question :—

"The assessor is not bound to accept the statement of or made on behalf of the ratepayer under section 120 (2) of the Public Schools Act, in case he is made aware or ascertains before completing his roll that such ratepayer is not a Roman Catholic *or has not given the notice* required by section 40 of the Separate Schools Act, *or is for any reason not entitled* to exemption from Public School rates."

The Notice Only Binding.

The House will therefore see that the only thing binding, according to these learned Judges, was the notice required under section 40. Thus we have had the late Minister of Education and the Attorney-General and the Court affirming what had been always contended to be the law. The Court further declared in regard to the withdrawal of Separate School supporters from their position as such :—

"A ratepayer being a Roman Catholic and appearing in the assessment roll as a Roman Catholic and supporter of Separate Schools who has not given the notice in writing of being such a supporter mentioned in section 40 of the Separate Schools Act, is not (nor are the other ratepayers) estopped from claiming in the following or future year that he should not be placed as a supporter of Separate Schools with reference to the assessment of such year although he has not given notice of withdrawal mentioned in section 47 of the Separate Schools Act."

It was evident, therefore, that a ratepayer must give notice of his intention to become a supporter of Separate Schools, and if he desired to withdraw and again become a Public School supporter he had to give notice, and even if he had been rated for some years as a Separate School supporter *without* notice any ratepayer could insist upon notice being given as an essential legal pre-requisite to exemption from Public School rates. So that by no action of the House had Roman Catholics been relieved of the obligation to give notice, or had the privileges granted to Roman Catholics by the Act of 1863 been infringed upon in the slightest degree.

Mr. Meredith's Second Section.

Now I come to consider the second clause of Mr. Meredith's Bill, which is as follows :

"It shall be the duty of the clerk of the municipality in preparing the collector's roll thereof to place in the column of Public School rates the rates of every ratepayer who shall not have given the said notice, so as, according to the provisions of the said section and of this Act, to entitle him to exemp-

tion from Public School rates for the year for which such collector's roll is being made up, but any error of the clerk in making up his roll shall not be conclusive on any ratepayer who shall be erroneously rated or entered therein, nor shall the assessment roll be any evidence as to whether such ratepayer is a supporter of the Public Schools or of the Roman Catholic Separate Schools."

This section of Mr. Meredith's Bill sets aside all the machinery provided by the municipal law for the revision and correction of the assessment roll, and places in the hands of the clerk the power, without appeal, of determining who shall be Public and who shall be Separate School supporters. The Bill does not provide for any appeal to the Court of Revision or to the County Judge. The Bill simply threw everything upon the clerk, whose duty it should be to do so and so. If errors occurred then the collector's roll would not be conclusive according to this clause. The whole thing would be left in doubt. Under the Assessment Act the assessment roll when confirmed by the Court of Revision is binding on all parties concerned. Mr. Meredith came forward with a new provision for determining who should be Public or Separate School supporters, and all the machinery he provided for carrying it out was the fiat of the Clerk of the municipality, and even that, he said, shall not be conclusive. But why, let me ask, deprive the ratepayer of appeal to the Court of Revision. Why dispense with the appeal to the County Judge. The clerk might be partial or unfair or unfit for his duties. He might mix and muddle the roll as he pleased, and there was no chance to rectify or correct the errors made. They could not go for evidence to the assessment roll. The only evidence was the notice given by the ratepayer, and how that could be available was not set forth. There was another serious omission. The Bill did not provide that a ratepayer who had once become a Separate School supporter, could withdraw his support from the Separate School to become a Public School supporter again. He ventured to assert that Mr. Meredith himself could find no such provisions as these. Was the House prepared to impose upon the people of the country a Bill depriving the Roman Catholics of the privilege of voluntarily supporting Separate Schools or Public Schools, which ever they pleased, and were they to be denied the right of reverting to the support of Public Schools if they once supported Separate Schools? Must they remain always Separate School supporters if they once became so? Is the House prepared to make such a momentous change in the law as this? Is the House prepared to leave the preparation of the Collectors' roll in the hands of the Clerk without appeal in reference to anybody, whether this work is properly done or not? If so, the Court of Revision may

as well be abolished as an expensive and superfluous piece of municipal machinery.

Compulsory Ballot.

So much, then, for Mr. Meredith's first Bill. But he has another Bill providing for a compulsory ballot to be used in the election of Trustees for Public and Separate Schools: and for holding school elections at the same time as municipal elections. Now, I would like to call attention to the peculiar attitude of the hon. gentleman on this question of the ballot and the holding of elections for trustees simultaneously with municipal elections. Certainly his position on both questions has been very contradictory. They were all familiar with his attitude during '78, '79 and '80 on the Boundary Award; how he at first argued that the Award should be binding and then made a complete change of front. They remembered also how last session he had contended with Mr. Craig that English should be the language of instruction in the Public Schools of Eastern Ontario; now he believed that this should be so "only so far as was practicable." He was equally inconsistent in his record on the ballot question generally. In 1873 he had voted against it for Parliamentary purposes. Then he became an enthusiastic advocate of it, and for several hours the other day he and his friends occupied the attention of the House in an endeavor to show that the present ballot law was not satisfactory. In regard to holding school elections at the same time as trustees elections his position was also changed. In 1878 he spoke strongly against school elections being held at the same time as municipal, on the ground that it would introduce political feeling into educational matters. He wanted no politics in school matters in 1878; now he proposed to thrust all the politics possible into the election of School Trustees.

In 1882 the hon. gentleman voted against a motion of his colleague, Mr. Bell, the then member for West Toronto, proposing that the ballot should be used in elections for Public and Separate Schools. In order that the House might see the hon. gentleman's change of front he would read the *Mail's* report of what he said at that time:—

"Mr. MEREDITH said at the time the Roman Catholics were asking for Separate Schools it was the Conservative party who supported them in their claim, and obtained from them, at the risk of loss of seats and influence, their now recognised rights. It ill became the Commissioner to accuse the hon. member of West Toronto of being hostile to the Separate School system, and to attempt to make out that this alleged feeling was shared by the Conservative party. It was the leader of the Government who had been hostile to it,

and had voted against the concession of the right to have Separate Schools. While he recognised the right of the Catholics to have Separate Schools, he did not see why no attempt should be made to improve the system. The Commissioner said that the Bill must be rejected because of the speech of the mover. According to him, a Bill was to be rejected, not on its merits, but according to the speech delivered by the mover. He knew nothing of the state of Separate Schools in Toronto, but so far as London was concerned he believed they were well conducted. He did not favor forcing the ballot system upon the Separate School supporters if they did not want it, but he supported the proposition to extend the ballot to the Public School elections."

[Mr. Meredith afterwards quoted from the report of his speech in the *Globe* to the effect that he would not force the ballot upon Separate Schools unless asked for by a respectable minority.]

They saw here the dim outline of the address to Irish electors of 1883. He "did not favor forcing the ballot upon Separate School supporters" if they did not desire it. That was the attitude of the hon. gentleman in 1882, only eight years ago. He would not force the ballot upon the Separate Schools, and in that respect he was in harmony with the Hon. Mr. Morris. Mr. Morris said :—

"He did not favor forcing the ballot upon the Separate Schools against the wishes of their supporters, but as he believed the ballot should be introduced at our Common School elections, he could not support the six months' hoist. He wished to point out that the question of the ballot had nothing to do with the existence of Separate Schools.

Then Mr. McMaster, another of his supporters, said :—

"He was opposed to the introduction of the ballot in the Separate Schools, and would not support the proposal in relation to the Public Schools, because the change was not asked for, and it was unwise to be always tinkering with the law."

An Arbitrary Change.

Now, why this change in the attitude of hon. gentlemen Opposition ? Why this new departure in Public and Separate Schools elections ? Were we prepared to say that even in Public School elections the ballot should be applied in this arbitrary way ? Was there any demand for it ? Had any petition been presented to the House for this change in the law ? Look how the matter stood. Amendments were made in 1885 whereby the Public Schools in cities, towns and incorporated villages might adopt the ballot if they so desired. There were 231 municipalities under that Act which could have adopted it. It had been in operation now five years, and only 91 municipalities had adopted it. Should they now say to the 140 which had not adopted this Act that they should not be allowed any longer to have

this option? Was there any necessity for this course? And besides, if it were desirable to apply the ballot in this coercive way in cities, towns and incorporated villages, why not apply it to every election in which Public Schools were concerned? They had 5,300 such Public Schools in the Province. His hon. friend said the ballot was desirable, and that the elections should be held at the same time as the municipal elections; but he said in regard to the 5,000 rural schools which were necessarily interested in good legislation as much as the others, "You may continue the old system of voting." Then if the ballot was so desirable, why not apply it to the election of High School Trustees? True, they were not elected by the ratepayers directly, but if it was important that in cities, towns and villages the ballot should be made compulsory, it was of equal importance that the interests of the High School should be protected, as proposed by his hon. friend for Public and Separate Schools. He was inconsistent in not going further and including the election of High School Trustees.

Ballot in Separate Schools.

Then he proposed to apply the ballot to the election of Separate School Trustees, notwithstanding that in 1882 he said they should not be forced to adopt the ballot. What reason could he give for this? Would he be able to show that Separate School Trustees were anxious for the ballot? Would he be able to show that Separate School supporters were not free to elect their representatives? Did not the hon. gentleman know that it was a very rare thing to have an election for Separate School Trustees. They had in the Province 59 Separate Schools in 1890, to which a compulsory ballot would apply according to his Bill, and in only seven of these were there any elections at all. In all the others the members were returned by acclamation, so that if the ballot had been adopted it would only have applied to 7 out of 59. But did the hon. gentleman believe that to deprive the Separate School supporters of the right to vote as they did at the time the British North America Act was passed would not be a violation of the Constitution? Did he not know that any violation of those provisions was a violation of that Act, and instead of being a guardian of that Constitution was he not making an inroad upon the Constitution which the House could not support? May it not be fairly argued open voting is a *privilege* within the meaning of that Act, and the hon. gentleman should show some reason the privilege was one that could be withdrawn without a violation of that Act.

No Reason Given.

Besides, he should give them some reason of a positive character for his Bill. Was he prepared to show that better Separate School Trustees could be secured? Was he prepared to show that intimidation was practised? Did he want to imply by his Bill that Separate School elections were now under the control of the Hierarchy and that only by a measure such as this could they be emancipated from that control? If so, the preamble should read "Whereas the Roman Catholics of Ontario were under the domination of the Hierarchy of their church, therefore Her Majesty, by and with the advice and consent of the Legislature, etc., enacts that Separate School elections should be by ballot." That was its intent and purpose. It plainly intimated as much, and he thought his hon. friend in his London speech clearly indicated that was his opinion, and that some remedy should be obtained for such a condition of affairs. Could his hon. friend show that even on his own basis he could attain the object he had in view? They were charged with receiving more than their share of Catholic support. They received that under the ballot system. His hon. friend proposed to apply the ballot to Separate Schools in order that the elections should not be under the control of the hierarchy, and yet under the Ballot he asserted that the Roman Catholics supported the Government. Adjust things as we may the inference was drawn, and the conclusion reached by his hon. friend, that there was coercion, there was intimidation, that injustice was done to a large body of Her Majesty's subjects.

Suppose a Catholic Majority.

But supposing the position were reversed; supposing a Roman Catholic majority prevailed, and that the Protestant Schools were the Separate Schools, would the Protestants consider themselves fairly treated if legislation of this kind were forced upon them? Supposing the ballot were forced upon the Protestants of Quebec contrary to their desire, what would be said of the Roman Catholic majority there? Would it not be said—and no doubt his hon. friend would be the first to raise his voice against legislation of that kind—that they should not submit to such legislation unless asked for by themselves? But, besides, has my hon. friend any precedent for this? The Province of Ontario was not the only Province in the Dominion in which educational questions were considered of great moment. Could he find one Province in the

Dominion where the ballot had been applied to Public or Separate School elections? Could he find any State in the Union? The system of open voting prevailed everywhere in this Dominion, but, notwithstanding this, the hon. member proposed to enact this legislation. I shall therefore ask the House to reject this measure; first, because there was no necessity for it, and, second, because it would entail unnecessary expense upon those who did not desire to assume that expense, and, thirdly, because it was not shown to be in harmony with the British North America Act.

Mr. Creighton's Bill.

He would now come to a Bill introduced by his hon. friend from North Grey. The labor of amending the School Act seemed to be divided up among the hon. members opposite. The leader had evidently taken the heavy end, as he usually did, but the member for North Grey undertook to bring in a small Bill—only a few lines—but one which, he thought, would be admitted to be unnecessary. He proposed that the legislation of 1863 and subsequent years should be changed, and that no person employed as teacher in a Separate School should any longer be allowed to teach unless he submitted to the same examination as Public School teachers. The House is, no doubt, aware that under the Act of 1863 while lay teachers were required to take the same examination as Public School teachers, the members of certain religious orders of the Roman Catholic Church were exempted from examination. The hon. member proposed to change this and not allow teachers of religions orders to teach a Separate School unless they passed the same examination as Public School teachers. He was surprised that an attack of this kind should fall to the lot of the hon. member for North Grey. In the discussions of this House no member appeared to be more anxious to maintain the integrity of the B. N. A. Act than the hon. gentleman. Now he came to the House with an Act which the Dominion Government without the slightest doubt, would be obliged to disallow. The hon. gentleman was aware that Provincial control over educational matters was carefully guarded and limited by the Confederation Act. Section 93 of that Act reads as follows:

"In and for each Province the Legislature may exclusively make laws in relation to education, subject and according to the following provisions:"—

1. "Nothing in such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the Province at the union."

2. "All the powers, privileges and duties at the union by law conferred and imposed in Upper Canada on the Separate School and School Trustees of

the Queen's Roman Catholic subjects shall be, and the same are hereby extended to the dissentient schools of the Queen's Protestant and Roman Catholic subjects in Quebec."

3. "Where in any Province a system of Separate or dissentient Schools exists by law at the Union, or is thereafter established by the Legislature of the Province, an appeal shall lie to the Governor-General in Council from any Act or decision of any Protestant or Roman Catholic minority of the Queen's subjects in relation to education."

4. "In case any Provincial law as from time to time seems to the Governor-General in Council requisite for the due execution of the provisions of this section is not made, or in case any decision of the Governor-General in Council, or any appeal under this section, is not duly executed by the proper Provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each require, the Parliament may make remedial laws for the due execution of the provisions of this section and of any decision of the Governor-General in Council under this section."

Stronger than a Mere Veto.

The power thus reserved to the Dominion Government is exceedingly comprehensive. It is far wider than the ordinary veto power exercised over Provincial Legislation, inasmuch as it not only authorised the Governor in Council to disallow legislation of this House or any other Province, but it authorises the Dominion Parliament to make remedial legislation.

Let me now ask the hon. gentleman (Mr. Creighton) if he is prepared to promote such legislation in this House as will justify the Dominion Government not to interfere by a simple veto, but by legislation, to say what remedies shall be applied, or what relief afforded in case the House adopt the Bill which he has just proposed. Does he wish to renew the contest of the past few years with respect to Provincial rights. He must know that the right conferred upon certain Religious Orders of the Roman Catholic Church to teach in Separate Schools was very carefully defined by the Act of 1863. By Section 13 of that Act it was provided that

"The teachers of Separate Schools under this Act shall be subject to the same examinations, and receive their certificates of qualification in the same manner as Common School teachers generally; provided, that persons qualified by law as teachers either in Upper or Lower Canada, shall be considered qualified teachers for the purposes of this Act."

By this section every person belonging to a religious order qualified for educational purposes and qualified as teachers in the Province of Quebec at the time of the passing of the B. N. A. Act is qualified in the Province of Ontario. The terms of this enactment are so specific and so clear that even a layman could have

no doubt as to their meaning, and the fact that the leader of the Opposition, himself an eminent lawyer, did not take the responsibility of introducing the amendment proposed by the hon. member for North Grey (Mr. Creighton), shows that he was not prepared to commit himself directly to such an infraction of the Constitution.

Standing of Religious Teachers.

But apart from this phase of the question, before the House adopts such a bill, the hon. member should prove two things:—first, that those who were members of the religious orders of the R. C. Church were inferior as teachers to those qualified under Public School Acts, and secondly, that the instruction imparted in Roman Catholic Schools was inferior to that imparted in the Public Schools.

Is it true that the members of the Religious Orders of the Roman Catholic Church are inferior in literary attainments? I understand they follow the curriculum of the Education Department in the training of their teachers; that they have not only a literary course but a professional course in their training schools; that the instruction is thorough and practical throughout; and that many of them have taken the same examination as the teachers of Public Schools. In the City of Toronto, out of 19 teachers of the Order of Christian Brothers, 8 hold Provincial certificates, either from Ontario, Quebec, or Nova Scotia.

In the Roman Catholic training schools for females nearly all the Principals hold First Class Provincial certificates. Out of the 159 female teachers of Religious Orders in the Separate Schools in Western Ontario, 46 hold regular certificates, and 9 had attended the Normal School, and out of 109 in Eastern Ontario 31 hold regular certificates, several of whom attended the Normal School. Is it fair then for the hon. gentleman, apart altogether from the constitutional question involved, to disqualify those who have been recognized since 1863 as teachers of Separate Schools, without submitting one tittle of evidence to the House that they were inferior either in literary or professional attainments to the ordinary lay teachers.

Standing of Pupils.

If the hon. member was unable to prove inferior attainments in these teachers what could he prove with regard to the training received by pupils in these schools? The impression has gone abroad that the training received in the Separate Schools was

inferior to the training received in the Public Schools. Of this he could not speak personally, as he had never visited any of these schools, but he had before him reports of High School Inspectors as to the general efficiency of these schools, made at the time when they were then regular inspectors of Separate Schools.

What do these reports show? In 1865 the late Professor Young reported as follows in regard to several of the schools:—

"Brockville, 14th Sept., 1865.

"I found, that, though they had been drilled to answer, in this (History) as in every other subject, in too rigid forms, they did possess a large amount of historical knowledge. My questions covered the period from the Norman Conquest to the reign of Edward I.

"The most advanced class in Arithmetic could work with ease questions in Vulgar Fractions.

"I chose 10 boys sitting at a desk distinct from those who had been previously examined, and I examined them in spelling. They were not the most advanced in the school. I gave them such words to spell as 'believe,' 'education,' 'simplicity,' 'sufficient,' and though some mistakes were made, the answers were on the whole fair."

"Kingston, 9th March, 1866.

"I examined the highest division somewhat minutely. Their reading was not more than ordinarily good. Spelling, fair. English Grammar is well taught. Probably one-half of the boys in the school are defective in their knowledge of English Grammar; but a considerable number are able to parse in such an intelligent manner as convinces me that the instruction given in that branch is fitted to make good grammarians of at least the more attentive and clever pupils."

"Hamilton, March, 1866.

"In consequence of the resignation and absence of the Master of the Boys' Division, I was unable to examine that Division. I minutely examined the Girls' Division (B). I was very much satisfied with the manner in which this Division is taught. The most advanced class, along with three younger girls, could not only read and spell well, but also possessed a most creditable knowledge of English Grammar. I have referred to this in my report to the Chief Superintendent, published in his Annual Report for 1865."

Inspector Marling said of the School at Barrie in 1874:—

"I examined several classes, Third Reader, Christian Brother series, two boys' and four girls'. Their reading was excellent, pronunciation, intonation, punctuation, definitions, all good to a degree seldom witnessed by me in any Canadian school. It was a pleasure to listen to these pupils. The boys were not, however, equal to the girls."

And of the School at Elora, in the same year:—

"The children were mostly very young. I examined the 4th class in reading, geography and arithmetic, the work was all above the average, some of

the arithmetic and much of the geography being really excellent. The neatness and manliness of the pupils were most gratifying. The teacher is energetic and interested in her work. The school is held in a small but neat and clean building behind the Church."

Inspector Buchan said of the School at Guelph in 1874 :—

"These Schools offer a striking contrast in organization and order to the Guelph Public Schools. This is particularly true of the girls' school, which is remarkably well managed. One of the sisters, Sister Mary Aloysius, was formerly a student at the Normal School, and is a very superior person, and a very clever teacher."

And also of the School at Goderich in the same year :—

"The order was good. I examined the best pupils first in dictation, in which they failed, and afterwards in arithmetic, in which they were more successful. In fact they did better in arithmetic than the pupils of the highest division of the Goderich Central School."

In 1881 Dr. McLellan reports as follows :—

"Lindsay, 1st and 2nd May, 1881.

"*Accommodations*,—Excellent. The School is a fine structure—large rooms, well ventilated, etc., with beautiful grounds.

"Four well qualified teachers—two male and two female. Mr. White, the Head Master, holds a First A. obtained at a recent examination at which he secured a very high standing. There is a good supply of chemicals and chemical apparatus.

"The classification is satisfactory. Of course the Head Master has a large number of classes to teach, as he has quite a number preparing for the Intermediate Examination.

"*Remarks*.—The building (for the boys) is a good one, with convenient class-rooms, fine grounds, etc.

"The discipline is good ; I observed, in the classes examined, a strict attention to the work in hand, and a deep interest in the questions, etc., of the Inspector.

"The performance of the pupils in Arithmetic, Algebra and English Literature and other branches, was such as to give evidence of superior teaching.'

Now the House will observe that I am not quoting the reports of the Separate School Inspectors, although I would have a right to do so, to corroborate my statements Do these reports show inferiority? Certainly not. Then what of the lay teachers employed. ? Of the 190 Separate School teachers who hold Certificates under the Public Schools Act, 8 held First Class Certificates ; 48 Second Class Certificates ; 84 Third Class Certificates ; the remainder holding District Certificates, Permits or Old Co. Board Certificates.

Results in Separate Schools.

Then if we turn to the work done in some of our Separate Schools what do we find? The Toronto Separate Schools during the last five years passed 16 candidates for Third Class Certificates, 11 for Second Class, and 7 passed the Civil Service examination. Lindsay Separate Schools in the last 8 years passed 75 for Third Class Certificates, and 13 for Second Class. Of course these are isolated cases, but it must be remembered that the curriculum for the Separate Schools is the same as the curriculum for Public Schools, and it is very rare that candidates write for either Third or Second Class Certificates from the Public Schools.

The House must not assume, however, that the standard attained in these schools to which reference is made will apply uniformly to every Separate School in the Province. As Inspectors of both Public and Separate Schools have pointed out in their reports, there are many schools of every grade and description in the Province of a comparatively low standing, and it is neither a matter of surprise nor exception to find Separate Schools like other schools in this respect.

MR. FRENCH'S BILL.

I come now to consider the bill introduced by the hon. member for Grenville by which it is proposed to withdraw from Separate School Boards the privilege enjoyed by them since 1886 of electing a member to the High School Board in municipalities where both a Separate and High School has been established. And, as in the other case, I must express my surprise at the proposal made by my hon. friend. The hon. gentleman was a member of the House and a consenting party to the amendment made in 1886, which he now proposes to repeal. He was not aware that he had made any objection to it at that time. What change had come over him since then? By what process had he been instructed as to the amendment he then supported and tacitly voted for?—for the amendment had passed unanimously. What was his reason for introducing this Bill? The grounds on which this amendment had been introduced in the first instance were practically as follows:—It was thought desirable that there should be a direct connection between Separate Schools and High Schools, for it was shown that while Roman Catholics were taxed for the maintenance of High Schools, as other supporters were, and had to pay part of the cost of erecting these schools, they were practically ignored in the administration of their affairs. Municipal

Councils seldom or never appointed them, and County Councils passed them by similarly, so that they were generally left unrepresented on the High School Boards. The effect of this was very injurious to those interested in Separate Schools. They regarded it as an intimation that they might have their Separate Schools for elementary educational purposes, but that the High School was not for them, and that they could have no part in its administration. They might pay taxes for the support of High Schools but they must not be allowed a word in their management. That was the meaning of Mr. French's amendment—if it meant anything. Roman Catholics had never been represented on the High School Board of Toronto nor on that of London. If they had, I have never heard of it, and it was the same in many other municipalities over the Province.

Elementary Education Good For All.

The Government took the view that elementary education was good both for Protestant and Roman Catholic, and that higher education should be open to all, irrespective of creed or color. If it appeared that those attending Separate Schools were debarred by any discrimination on the part of Municipal Councils from sending their children to the High Schools, it was right and proper that the law should be changed to remove this difficulty. Was it not desirable that the House should do all it could to induce Roman Catholics as well as Protestants to avail themselves of opportunities for a higher education? If the matter was discussed from the broad national standpoint it must be admitted that the higher and better the education received by Roman Catholics the better for the country, and if High School pupils could only be multiplied by thousands instead of by hundreds it would be better for the educational and intellectual independence of the country and for its general prosperity. If it appeared that by this amendment to the Separate School Act the attendance at the High Schools had been increased it was shown to be in the public interest. Mr. French's amendment was retrograde instead of being progressive, and must be repudiated by every person who believed in higher education. The House could not adopt it if it believed in the views of the leader of the Opposition, that the Separate Schools should be improved, as he had insisted in his manifesto of 1886, where he said that although some might regret that such institutions existed, yet it was the duty of the Government to make them as efficient as possible, and to see that they performed the functions for which

they were designed. Now, Separate Schools were designed, first, to prepare for citizenship young men who could not otherwise receive the advantages of education, and their function was also to prepare the sons of Roman Catholics as well as Protestants for the learned professions and the higher walks of life; and how could this be better done than by encouraging them to prepare for entrance into the High Schools?

Increased Attendance at High Schools.

It will be satisfactory to the House to know that the number of Separate School pupils anxious to enter the High Schools has materially increased since 1885. Inspector White informs me that in the Western Division, which is all that section of the Province west of Toronto, only 105 wrote at the Entrance Examination in that year, whereas 170 wrote in 1889. This is an increase, of nearly 70 per cent.; while the number who passed in 1885 was 55, the number in 1889 was 91. Inspector Donovan says that the increase in the number of candidates writing at the Entrance Examination between 1885 and 1889 in the Eastern Division was 95 per cent. There has, therefore, been a substantial increase in the number of Separate School pupils who prepared themselves for examination, and were successful in passing since these schools were allowed a representative on High School Boards. It will also be satisfactory to the House to know that 58 per cent. of those who came up from the Separate Schools for the Entrance Examinations last year were successful in passing, the per centage for the Public Schools being only 59 per cent., or 1 per cent. greater.

But there are other evidences that the changes made in the law which the hon. gentleman from Grenville appears so anxious to set aside, have been beneficial. For instance, the attendance at our High Schools has increased from 14,250 in 1885, to 17,742 in 1888. From some cause or another greater liberality has been shown in the maintenance of Separate Schools. During the last few years the total expenditure increasing from $204,531 in 1885, to $260,000 in 1888.

In Ottawa, Kingston, Brockville, St. Catharines and Hamilton, large and convenient Separate Schools have been erected, and the comfort of teachers and pupils materially promoted. Let me ask the House, is it not desirable to encourage supporters of Separate Schools in their laudable efforts to improve the school accommodations? The public opinion created even by the larger pupils

who attend the High Schools is a stimulus to both ratepayers and trustees. Now shall we withdraw that stimulus by accepting the bill proposed by the hon. gentleman ?

Other Reasons.

But there was another reason why Mr. French's bill should not pass. The House deliberately, in 1885, gave Separate School Boards a right to representation on High School Boards. The House would need very strong evidence that its action then was unwise before it would be justified in repealing the Act. Sometimes it was urged by hon. gentlemen opposite that the Separate School Act was a mistake, and that it was subversive of the unity of spirit that should prevail in the country—a unity such as the people of Ontario were supposed to desire. Admitting this to be the case for the moment, I cannot see how the passage of Mr. French's bill would promote that feeling of unity. Under the present High School system, and since the amendment of 1886, Public and Separate School children met together under one teacher and one system of instruction. If unity existed anywhere, it certainly existed there, and it was unity which the hon. gentleman opposite professed to desire. Yet he deliberately proposed to repeal the amendment which encouraged this condition of things, and to estrange the Roman Catholics who have shown their appreciation of High Schools. Was he perfectly sincere in his proposition ? Was his logic perfectly faultless ? If he was sincere in the one case and really wished to bring Separate School children and Public School children together in the Public School, I cannot see how he could ask the House to withdraw from Separate School Boards the representation they now enjoyed on High School Boards.

Should it be said that the Legislature of the Protestant Province of Ontario was so unfair as to throw any obstacle in the way of all classes availing themselves of higher education ? Look at the Provincial University. All classes were enabled to avail themselves of the advantages which it offered without respect to creed or denomination, and the same with the High Schools. Upwards to the High Schools flowed the two great currents of education—one from the Public Schools and one from the Separate Schools—and by his amendment Mr. French proposes that these streams should be prevented from uniting at this point: where they united he proposed to erect a barrier, and to say the union shall not be complete.

Administration of High Schools.

He would virtually exclude the Roman Catholics from a voice in the administration of High Schools. He proposed that Municipal and County Councils should be allowed to ignore them now as formerly. If in the face of these difficulties they had the courage to try and avail themselves of the privileges of the High Schools, they were welcome to do so. But they were to have no assistance in the removal of these difficulties. He protested against this amendment. It was not required by the Public Schools, because no wrong had been done the Public Schools; and no wrong had been done the High Schools by the operation of the amendment. The High Schools to-day were more prosperous than ever before. The University to-day was more crowded than ever before. Public Schools were stronger than ever before. More was expended on sites and buildings now than ever before, and the attendance was increasing every day. Yet without a single fact to justify him in his course, he deliberately proposed to repeal this particular amendment which helped to bring about this state of things.

Summary of Argument.

In view of the arguments I have adduced, and the facts which I have submitted to the House, I think that the two bills proposed by the hon. member for London, as well as the bills proposed by Mr. Creighton and the one proposed by Mr. French, should be unhesitatingly rejected, first, because it has not been shown, and cannot be shown, that they would serve any useful purpose, and second, because they would be retroactive if not unconstitutional. I believe it is the duty of the House in unmistakable terms to express its entire and unshaken confidence in the solemn treaty entered into at the time of Confederation. It surely cannot be that the Province of Ontario, containing nearly one-half the entire population of the Dominion, will be the first Province to encroach upon the privileges guaranteed to minorities by the B.N.A. Act. As Liberals it is our duty to maintain and defend the constitution from encroachment from every quarter. The Liberal party, which was in a majority in the House, was the party most active in promoting the federation of the Provinces by which this question was removed to a large extent from the arena of party politics. Was it not the duty of the Liberal party which had brought about the Confederation of the Provinces, to protest against any invasion of the B. N. A. Act that would disturb the

public mind and produce irritation that was not desirable, and that could not be productive of any public good? The Liberals of this House had for years past withstood assaults from without on the Confederation Act. They had withstood the attempted invasion of their powers by the Dominion Government. It was within these walls that the battles of Provincial Rights had been fought. Now, however, the attack on the Constitution had come from within the House, had come from hon. gentlemen who avowed themselves at one time the champions of the constitutional rights of Ontario, and of the solidarity of the Dominion. It was they who now assaulted the Act with a view to depriving a certain portion of the people of the rights and privileges which that Act had conferred upon them. The House should resist assaults from within just as it had resisted assaults from without, and should place once more upon record that the rights guaranteed to minorities in Ontario and Quebec, and all other rights guaranteed therein, should be preserved intact and inviolate so far as legislation in this House was concerned. They could not expect to build up a great Dominion or Confederation if they were continually pulling their Constitution to pieces and endeavouring to replace the broken parts. Canadians would never become a homogeneous people if questions of race and creed were being continually raised. He appealed to the hon. gentlemen opposite in the interests of their common country, and of that unity which they all desired, to withdraw these bills, which could have no effect but to create suspicion and distrust in the minds of a large section of the community. He appealed to the House on yet another ground to reject these bills. It was the duty and the prerogative of the House to be just and generous to minorities. That had been the principle upon which all the legislation of the British Empire had been based in dealing with Canada since the days when Colonial Government was first established in this country. Hence arose in the first place the Constitution of 1791, which was intended to protect the people of Ontario, or Upper Canada, as it then was, from what was supposed to be the domination of the majority of Quebec. This was the first instance of any form of constitutional government in Upper Canada. Then came the Constitution of 1841, which was based on the same principle of generosity to the minority. The minority had been trampled upon by an irresponsible Executive, which was supported by a Family Compact. Wrongs were righted as far as was possible, responsible government introduced, and the grievances of the minority remedied so far as the statesmen of the day were able. Then, finally, came the B. N. A. Act of 1867, which con-

tained the same principles in its method of dealing with minorites. So if they were to follow the example of the Imperial Government in legislation of this kind, if they desired to show to the minority that they could be as just and generous as the Imperial Parliament was, then they would not re-open a question that had been settled at Confederation, and would not infringe upon the privileges that had been guaranteed to the minority by a solemn compact ratified by the Imperial Parliament, and confirmed by the sign manual of Her Gracious Majesty. For this reason he hoped the House would reject the bills of hon. gentlemen opposite, and address themselves with calmness and deliberation to simplify the machinery of the Act in the manner suggested in his own bill. (The Hon. Mr. Ross was followed by Mr. Meredith, to whom the Hon. Mr. Fraser replied.)

Mr. Ross' Bill.

An Act to amend the Public and Separate Schools Acts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The clerk of every municipality *shall forthwith after* the passing of this Act, enter in a convenient index book, and in alphabetical order, the name of every person who has given to him or any former clerk of the municipality notice in writing that such person is a Roman Catholic and a supporter of a separate school in or contiguous to the municipality, as provided by the 40th section of *The Separate Schools Act*, or by previous Acts respecting separate schools ; the clerk shall also enter opposite to the name, and in a column for this purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from supporting a separate school, as provided by the 47th section of the said Act, or by any such other Act as aforesaid, with the date of such withdrawal ; or any disallowance of the notice by the court of revision or county judge, with the date of such disallowance. The Index book may be in the form set out in the schedule to this Act, and shall *be open to inspection by ratepayers.*

(2) The clerk shall enter in the same book, and in the proper alphabetical place therein, all such notices hereafter from time to time received by the clerk.

(3) It shall be the duty of the clerk to file and carefully preserve all such notices which have been heretofore received, or shall hereafter be received.

2. In the case of a municipality in which there are supporters of a Roman Catholic separate school therein, or contiguous thereto, there shall be printed in conspicuous characters, or written across or on the accessor's notice to every ratepayer, provided for by the 47th section of *The Assessment Act*, and set forth in schedule B. to the said Act, in addition to the proper entry heretofore required, to be made in the column respecting the school tax, the following words : "You are assessed as a separate school supporter," or "You are assessed as a public school supporter," as the case may be ; or these words may be added to the notice of the ratepayer set forth in the said schedule.

3. Where the list required by the first section of this Act is prepared, the assessor is to be guided thereby in ascertaining who had given the notices which are by law necessary, in order to entitle supporters of Roman Catholic separate schools to exemption from the public school tax.

4. The statement made under the second sub-section of the 48th section of *The Separate School Act*, or the fourteenth sub section of *The Assessment Act*, means, and has always meant, a statement made to the assessor on behalf of the ratepayer by his authority, and not otherwise.

5. In case of its appearing to the municipal council of any municipality after the final revision of the assessment roll, that through some mistake or inadvertence any ratepayers have been placed in the wrong school tax column, either as supporters of separate schools or supporters of public schools, it shall be competent for the municipal council after due enquiry and notice to correct such errors if such council sees fit, by directing the amount of the tax of such ratepayers to be paid to the proper school board. But it shall not be competent for the council to reverse the decision of the court of revision or the county court judge as to any ratepayer.

(2) In case of such action by a municipal council the ratepayer shall be liable for the same amount of school tax as if he had in the first instance been entered on the roll properly.

SCHEDULE.

(Section 1.)

Form of Index Book for Roman Catholic Separate School Supporters.

Names.	Notices claiming exemption from public school tax, when received.	Remarks.
Allen, John.....	3rd February, 1889.	Notice of withdrawal received 1st January, 1890.
Ardagh, Joseph	3rd February, 1889.	Disallowed by Court of Revision, 1st June, 1889.
Ashbridge, Robert	3rd February, 1889.	

Mr. Meredith's Bill.

An Act respecting Separate School Supporters.

WHEREAS every ratepayer ought to be by law *prima facie* a public school supporter and no one should be rated as a Roman Catholic separate school supporter unless he by his own voluntary act declares his intention to be a supporter of Separate Schools in accordance with the provisions of the law ;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Notwithstanding the provisions of any act or law to the contrary, no person otherwise liable for public school rates shall be exempt from the payment thereof or be liable for the payment of rates in support of a Roman Catholic separate school unless he shall have given the notice provided for by section 40 of *The Separate Schools Act.*

2. It shall be the duty of the clerk of the municipality in preparing the collector's roll thereof to place in the column of public school rates, the rates of every ratepayer who shall not have given the said notice so as, according to the provisions of the said section and of this Act, to entitle him to exemption from public school rates for the year for which such collector's roll is being made up, but *any error* of the clerk, in making up his roll shall not be conclusive on any ratepayer who shall be erroneously rated or entered therein, nor shall the assessment roll be any evidence as to whether such ratepayer is a supporter of the public schools or of the Roman Catholic separate schools.